University of Bombay Economic Series No. V

A History of
VILLAGE COMMUNITIES
in
WESTERN INDIA

BY

A. S. ALTEKAR, M.A., LL.B.

Lecturer in Ancient Indian History and Culture, Benares Hindu University, Author of 'History of Ancient Towns and Cities in Gujarat and Kathiawar', Chancellor Gold Medallist, Bhagwanlal Indraji Gold Medallist, Bhugwandass Purshotumdass Scholar, Bhau Daji Prizeman

Published for the University of Bombay

HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS
BOMBAY CALCUTTA MADRAS
1927

PRINTED IN INDIA BY GEORGE KENNETH AT THE
DIOCESAN PRESS, MADRAS
1927--C13181

PREFACE

THE importance of the history of the village communities in India can hardly be overrated; for the real history of India consists of the history of its village communities. Dynasties have come and dynasties have gone, but it is the village communities that have preserved intact the culture and tradition of the old Bhāratavarsha through several revolutions.

Though the subject is thus very important, it still remains to be dealt with in a scientific, systematic, and comprehensive manner. Sir Henry Maine and Mr. Baden-Powell, no doubt, throw important light upon the subject in their well-known works. These scholars, however, were not acquainted with the valuable evidence supplied by the Smṛitis and Inscriptions, nor with the documents of the Mahomedan and Maratha periods that have been procured during the past few years, and are now being published. Their works therefore give us a picture of the Indian village communities at the advent of the British rule; such observations as they have made about the past are based more or less upon conjectures. They can hardly be said to have traced the history of the village communities from age to age.

This is attempted in Dr. Radhakumud Mookerji's *Local Government in Ancient India* and in Dr. R. C. Majumdar's *Corporate Life in Ancient India*, but these works deal more with the town and city life and corporations than with the village communities. The latter are treated only incidentally; and there are many aspects of village life and government which are not touched on at all. Thus the questions connected with the village officials and their duties, land-tenures, occupations, education, medical relief, amusements and charities, are not discussed. Besides, these scholars bring down their history only to the Mahomedan period and so the important changes that have taken place since A.D. 1200 cannot be ascertained from their works.

A systematic history of the Indian village communities still remains to be written. The subject, however, is difficult: for the available evidence shows that at least from the mediaeval times, if not from a date much earlier, marked provincial peculiarities were developed by the village communities of India. There is

PRINTED IN INDIA BY GEORGE KENNETH AT THE
DIOCESAN PRESS, MADRAS
1927--C13181

Part I.—VILLAGE GOVERNMENT

CHAPTER I

VILLAGE OFFICERS

When proceeding to trace the history of the several institutions in the village community, it is but natural that we should first consider the problem of Village Government. This question has given rise to several divergent theories; let us examine the facts in Western India and see how far they are acceptable. We shall first take up the question of various village officers as they naturally form the backbone of the Village Government. The foremost among these is the village headman and we shall deal with him in our first section.

A. The Headman

Headman

We have already stated why the type of village community that was seen to exist in the sub-Himalayan region among the Śākyas, Mallas, Vajjins and the Lichchhavis cannot be regarded as the common one prevailing in the rest of India in the days of the Buddha. For the true picture of the normal Aryan village community of the time, we have to turn to the *Jātakas* and we have already shown how the picture in the *Jātakas* holds good of the new communities that were being established in Western India. Let us see what light the *Jātakas* throw on the position and function of the village headman.

Existing in Northern India in early times

From the *Jātakas* we learn that at the head of the village executive was the headman of the village, who is therein termed as *Gāmabhojaka*. The *Kharassara Jātaka* states that his function was to collect the revenue and defend the village with the help of local men. The *Pāniya*, *Kuḷāvaka* and the *Ubhatobhathha Jātakas* also refer to the headman and incidentally describe his functions. We must therefore conclude that the headman was the normal feature of Village Government in the Buddhistic India even in the north. We cannot therefore accept Sir Henry Maine's contention that 'in those parts of

India (he means North India) in which the village community was most perfect, the authority exercised by the headman is lodged with the village council.'[1] For, the headman is a very, very ancient officer even in the Aryan villages of the north, which Sir Henry thinks have best preserved the old type. Inscriptional evidence also goes against Sir Henry; two Mathurā Jain Inscriptions of the first century A.D. refer to the village headman in the clearest terms.[2] If really there had been no headman in the Aryan north, how could he have been so frequently mentioned in the *Jātakas* and inscriptions at a time and place when and where the Dravidian influence could not be in the least suspected?

Maine's view untenable

There can therefore be no doubt that the village headman was a normal feature of the Aryan village in the sixth century B.C. We can say with equal certainty, that he existed also in the new villages founded in Western India by the Aryans. Colonization always requires daring leadership; we have seen how in the Vedic times the '*grāmaṇī*' was necessary to lead the village. The same therefore must have been the case when the Raṭṭas and Bhōjas proceeded to colonize the *Daṇḍakāraṇya*. We have no direct evidence about the conditions prevailing at the commencement of the colonization, but there is clear evidence to prove that even about five or six centuries later, the most important person in the Deccan village was the headman or '*grāmaṇī*.' For the *Saptaśatī*, whose author, Hāla, ruled his Āndhra empire in the first century A.D., refers to '*Grāmaṇī*' or *Grāmaṇīnandana* in about seven or eight places in a manner which conclusively shows that he was the leading figure of the village community.[3] And his importances it is but natural to presume, must have been greater still when these communities were first founded five or six centuries earlier.

Headman in Western India

In Āndhra Period

Śukranīti, ii. 862, says that the village headman should be a Brāhmaṇa; but this does not seem to have been the usual case. It is true that in Western India, some of the patels in a few localities are Brāhmaṇas; but they are exceptions even now. And the conditions could not have differed much in these early

His caste: Śukra's view untenable

[1] Maine, *Vill. Com.*, p. 123. [2] *Ep. Ind.*, vol. i, p. 387.
[3] *Saptaśatī*, i. 30; iv. 69; v. 10, 49, 69; vii. 8, 10.

times when the village communities were being established in Western India. The leading part in the colonization was taken by the Raṭṭas and Mahāraṭṭas, Bhōjas, and Mahābhōjas (from whom modern Marathas and Bhonsles are descended,) and most of the village community consisted of their followers, it is therefore natural that the headman also should have been selected from the most influential family among them. From the *Saptaśati* it appears that a daughter of the village headman would often sigh for the hand of the son of a village farmer, a fact which shows that the headman also must have been a non-Brāhmaṇa.[1] The nature of the duties of the post, which we shall soon describe, will also make it clear that a Brāhmaṇa could hardly ever have held the post in early times. We therefore reject the statement of *Śukra* as being inapplicable to Western India.

Headman a hereditary officer even in the north

The headman in Western India is now neither elected by the people nor appointed by the Government, but is a hereditary officer. An inquiry into the case shows that such has been the case in Western India since the earliest times. It is true that the *Kuḷāvaka Jātaka* and *Manusmriti*[2] seem to show that the headman being appointed by the king, could not have been hereditary; but a moment's reflection on the facts of the case as they are to-day will show that such a conclusion is likely to be fallacious. The headman is now appointed by the collector and is removable,—as in the days of *Kuḷāvaka Jātaka*, for misconduct, but still the office is hereditary. Similar may have been the case in the days of Manu, an inference which is supported by inscriptional evidence: for the Mathurā inscriptions, which have been already referred to, mention in the first part, a lady who was both the wife and daughter-in-law of the village headman.[3] This can obviously happen only when the office is hereditary. In the Deccan at any rate the office was hereditary; for Hāla refers to the son of a headman in a manner which shows that he was

Inscriptional evidence

[1] vi. 100.

[2] ग्रामस्याधिपतिं कुर्याद्दशग्रामपतिं तथा ।

[3] ग्रमि (क) जयदेवस्य वधूये (ग्र) मको जयनागस्य धर्मपत्निये सिह-दत्ताये .... दतं । *Ep. Ind.*, vol. i, p. 387, No. 11.

expected to succeed his father. One wonders whether otherwise he would have been such an important personage in the village community as he is depicted to be in the *Saptaśatī*.

Hereditary in the Hindu and Moslem periods

Under the Āndhras, then, the village headman was a hereditary officer and the same was the case under the Chālukyas. For the Goa plates of King Satyāśraya Dhruvarāja (dated A.D. 610)[1] describe all the village officers, including the headman, as *sthāyi* ' or permanent residents of the place. This statement certainly justifies the inference that the resident officers might then, as now, have been hereditary as in the preceding Āndhra period. The conditions under the Rāshṭrakūṭas and their Hindu successors may have continued to be the same, for there was nothing to disturb the even course of history. Under the Mahomedans, the patel is known to have been hereditary, for they continued the old arrangement.[2] To entertain any doubts as to the hereditary character of the office under the Marathas and Peshwas would be to exhibit a strange ignorance of history. A survey of the history of the office therefore perfectly justifies the conclusion that it has always been a hereditary office in Western India.

His duties (i) Defence of the community

Let us now consider what were the duties of this hereditary office. We have already seen how the defence of the community with the help of local militia, was, according to the *Kuḷāvaka Jātaka*, a duty of the headman, and we may well infer that this duty may have come into greater prominence in the early history of our Western Indian communities when they were colonizing new and forest tracts. Our inference is here again supported by the *Saptaśatī*, from which it clearly appears that the village headman used to lead the village, during the Āndhra period in the Deccan, in military defence and attack. *Saptaśatī*, vii. 31 is in this connection most important and we would quote here the *gātha* as well as the commentary thereon :—

विञ्झयारुहणालावं पल्लो मा कुणउ गामणो ससइ ।
पच्चुज्जीवइ जइ कहवि सुणइता जोविअं मुअइ ॥

[1] *J.B.B.R.A.S.*, xvi, p. 365.

[2] *B.P.L.S.*, i, p. 312.

The commentator explains: ग्रामणीभार्या शत्रुं विजित्य संग्रामादागतस्य शस्त्रभिन्नस्य भर्तुः मनस्विनः मानग्लानिश्रवणान्मरणमाशंकमाना तन्निवारणाय परिजनमाह........पल्लीनिवासिनो जनो भयाद्विन्ध्यारोहणकथां मा करोतु । अस्मिञ्जीवति कुतो भयमिति भावः । प्रत्युज्जीवितो यदि शृणोति पल्लीनिवासिजनपलायनश्रवणजातमानभंगो जीवितमेव जह्यात् ।
This *gatha* and the commentary thereon make it quite clear that the duty of the headman, and the most important one, was in those early days the defence of the community against the attacks of savage tribes or freebooters who might attempt to disturb the village peace. In the Āndhra period then the *grāmaṇī* was, as in the Vedic age a military leader who had often to lay down his life while defending his village. In our chapter on 'Defence and Safety' we shall show that the headman continued to perform this function in Western India down to the British times.

(ii) Revenue collection

The next important duty of the headman was the collection of village revenues. We have seen how the *Kulāvaka Jātaka* refers to this duty and there is no doubt that it continued to be attached to the office throughout the Hindu period (200 B.C.–A.D. 1300).

In the early times

For Manu[1] and other Smriti writers mention, as one of the sources of the headman's income, the daily taxes in kind that were payable by the villagers to the king. The task of collecting these taxes must obviously have been entrusted to him and it is but natural to presume that similar was the case with other taxes, as was the case in the Jātaka period. It is possible that under some Governments like the Mauryas there may have been appointed special officers for tax collection; but even these must have

In the Hindu period

worked under the headman. For, whether we consider the Valabhi inscriptions from Gujarat and Kathiawar of the sixth, seventh and eighth centuries, or the Chālukya inscriptions of Karnātak during the same period, or the Gujarat Mahārāshtra and Karnātak inscrip-

[1] यानि राजप्रदेयानि प्रत्यहं ग्रामवासिभिः ।
अन्नपानेन्धनादीनि ग्रामिकस्तान्यवाप्नुयात् ॥ vii. 118.

tions of the Rāshṭrakūṭas of the succeeding two centuries, or the Śilāhāra inscriptions of Konkan of the pre-Mahomedan age, we find that all these mention the headman as the most important officer in the village, and all others are mentioned as subordinate to him. The plates mention the officers according to their grades and the usual order is राष्ट्रपतिविषयपतिग्रामकूट-आयुक्तकनियुक्तकाधिकारिकमहत्तरादीन् (समनुज्ञापति)·[1] The kings were anxious to warn all those officers who possibly may be in a position to disturb the enjoyment of the rent-free land or village; it therefore goes without saying that at least those officers who were connected with the collection of taxes are all mentioned here. It is equally clear that all these officers are mentioned according to their grade and importance,—a fact which shows that the headman (*grāmakūṭa*), was the most important among the village officers, and even if any of the other village officers mentioned in those passages were concerned with tax collection, they must be acting under the general direction and supervision of the headman.

In Moslem times

This inference is further supported by what we know of the Mahomedan period. Baden-Powell has justly remarked that Moslem rulers closely conformed to the old system changing only names,[2] and Grant Duff states that the revenue officers of the Bahamani Kingdom, called 'aumils' used to collect the revenue from the Hindu patel.[3] It therefore follows that the patel's responsibility for the village revenue was one which must have been inherited from the previous Hindu age.

When the revenues of the Deccan subha were in a sad plight, the first thing that Murshid Quli, the Viceroy of the Deccan under Shajahan did, was to appoint new patels to those villages where they had perished owing to the prevailing anarchy.[4] Thus it is clear that during the Mahomedan period in Western India, the existence of the headman was regarded as necessary for revenue collection.

[1] Cf. for example the Kāvi (Bharoch Dt.), Radhanpur and Wāni plates (Nasik Dt.) of Govinda III, Alas (Khandesh) plates of Kakkarāja II, Karhad plates of Krishna III, Sāmangada (Kolhapur) plates of Dantidurga, etc.

[2] *B.P.L.S.*, i. p, 314.

[3] Duff, i, p. 34.

[4] Sarkar, *History of Aurangzeb*, vol. i, p. 192.

In the Maratha period, the Mamlatdar used to settle the share of each village with its patel who used to represent to him grounds for relaxation if any. If the patel and the Mamlatdar did not agree, the patel used to return to consult the rayats again, and if his revised estimate also was not acceptable to the Mamlatdar, the case was referred to a special officer.[1] If the amount settled was not collected by the headman, he was put into custody until he made up the deficit. The responsibility of the headman for the village revenue collection was well established under the Marathas and Peshwas. Even under British rule, the duty of collecting the village revenue is still being discharged by him.

Under the Marathas

The third important duty of the village headman was the settlement of the village disputes. What part he took in adjudicating these will be made clear in the chapter headed 'the Settlement of Village Disputes.'

(iii) Village disputes

Apart from these principal duties, the headman used to discharge many others of a varied nature. If the village well was in need of repairs, it was he who used to supervise the work. If any co-operative concern was to be organized, it was he who took the leading part. If any officer from the Central Government came to inspect the village it was he who attended to his needs. If the village had to be represented at the coronation or marriage ceremony at the capital, it was he who was deputed to visit the capital at the public expense.

(iv) Other sundry duties

Let us now proceed to consider how the village headman was remunerated. At present all over Western India, the headman enjoys inalienable rent-free lands for his remuneration. In the Maratha period this was so, for the numerous papers published by Mr. Rajwade contain numerous references to the *Patilki watan*. From the dispute that was existing between Narsu Jagdale of Masur and Bapaji Musalman of Karad about the patil watan or the headman's rent-free land of Masur in Satara District during the reign of Ibrahim Adilshaha of Bijapur,[2] it is clear that even under the early Mahomedan rule, the watan or the village headman was regarded as one of

Remuneration

(i) By Watan which is ancient

[1] Elp., p. 27.

[2] Rajwade, *Aitihasik Lekhasamgraha*, xv. 2.

great antiquity. The Mahomedan rulers did not introduce this watan system but they simply continued the old custom under the Hindu kings.

It is therefore natural to presume, although there is no contemporary inscriptional or other historical evidence, that the watan of the headman existed under the Rāshṭrakūṭas and Chālukyas. For, were the watan not long established the Mahomedan rulers would probably not have continued it.

It is true that according to Manu, the headman was entitled to no such watan lands.[1] He allows certain watans to the officers over ten villages, twenty villages, hundred villages and so on, but not to the village headman. The only provision he makes for his remuneration is the assignment of taxes in kind which the villagers had daily to pay to the king.

Manu's statement however is not sufficient to disprove the antiquity of the *Patilki watan* at least in Western India. We have already seen how there is strong circumstantial evidence to presume that the *Patilki watan*, which the Moslems continued, must have been of a great age and therefore existing also under the previous Hindu dynasties. Manu was admittedly a northerner, and his refusal to allow any watan to the headman may be due to the practical difficulties that may have been experienced in the north in finding out a watan for every headman. The colonization had occurred several centuries before and there might be no fresh lands to be assigned. No such difficulties probably existed in our village communities. The colonization was going on even in the Āndhra period. There were still large tracts of land available for the purpose. To assign some of them by way of watan did not require any enunciation of an unknown principle, for the principle was there already ; it had only to be extended in application.

Evidence in the *Arthaśāstra*

And we know from the unimpeachable evidence of the *Arthaśāstra* that such extension of the principle was made in new village communities and even to ordinary farmers. For, Chāṇakya says: निवेशसमकालं यथागतकं वा परिहारं दद्यात् ।[2] In the days of

[1] दशी कुलं तु भुंजीत विंशी पंच कुलानि च ।
ग्रामं ग्रामशताध्यक्षः सहस्राधिपतिः पुरम् ॥ vii. 1.

[2] *Arthaśāstra*, ii. 1.

Chāṇakya, our communities in Western India were being founded, and we may well conclude that this principle of giving rent-free lands was followed there. If ordinary farmers were given rent-free lands, it is natural to presume that the headman, who was the leader of the colonizing party, must himself have been a recipient of a hereditary watan. Hence it is that we find watans regarded as an ancient right even in the early Mahomedan period, and we conclude therefore in spite of Manu's dictum, that watans must have existed in the Hindu period at least in Western India.

Other sources: (i) Fines not assigned to him

Let us now see whether apart from his watan or rent-free land, the headman had any other source of income. From the *Kuḷāvaka Jātaka* it is clear that the fines collected from the village offenders also went into the headman's pocket, for there the *gāmabhojaka* exclaims : 'when these men used to get drunk and commit murder and so forth, I used to make a lot of money not only from their drinks but also by fines and the dues they paid.'[1] But this right of the headman was not acknowledged in Western India in the Mahomedan and Maratha periods and the inscriptions show that similar was the case in the Hindu period.

In Western India

For every grant of village distinctly assigns the right to receive the village fines to the grantee. This obviously could not have been so if the fines were payable to the headman rather than to the Central Treasury. A king can assign only that to which he is entitled.

(ii) Daily taxes payable to king assigned to him

We have seen how Manu mentions that the taxes in kind payable daily by the villagers formed one source of the headman's income. We do not know whether in the Hindu period in Western India the patel was allowed to claim those taxes for himself; for, the inscriptions throw no light on the matter. The more important of these taxes were undoubtedly taken by the Central Government itself, for grants of villages usually assign to grantees the right to receive them [cf. in this connection expressions like सोद्रंगः सोपरिकरः सहिरण्यधान्यादेयः which occur in almost every grant]. But it is possible that the minor taxes were claimed by the patel; for in the Maratha and early Mahomedan period, the headman's

Hindu period

[1] Vol. i, p. 198.

right to receive them was regarded as so incontestable as to deserve distinct mention in the sale-deeds of the Patilki Watans.

Maratha period

Thus from a sale-deed of the Patilki Watan of Bhanogaon in Junner Taluka we learn that the headman was entitled to receive two shoes from the shoe-maker, two dhotis from the weaver, five sheafs of cotton and twenty-five sheafs of fodder from every farmer, a certain amount of 'gur' from the sugarcane farmers, thirteen betel leaves and some vegetables every day from those who dealt in them, a certain amount of fee, partly in cash, partly in kind, from the village shopkeepers, etc.[1] The headman's right to claim these dues is obviously supported by and therefore based upon the dictum of Manu mentioned above, and if it was universally recognized and enforced in Western India in the sixteenth century, it is not improbable that it may have been in existence in the Hindu period.

Headman's influence

The headman has been the most influential person in Western Indian villages. *Śukranīti* observes[2] that the head of the village, like father and mother, protects the people from aggressors, thieves, and officers, and in Western India we have seen how he has been ever discharging this function. Though responsible to the Government, he has always been a man of the people. His usefulness to Government is attested to by the fact that both Moslem and British rulers have found him indispensable in the village administration; his usefulness to the people has been proved by the confidence that has been always reposed in him by villagers. It is, therefore, natural that the headman should be

Headman in joint villages

found in almost all villages, and everywhere in Western India. Even in Kathiawar where almost every village has been assigned either to a relation of the chief, or given in charity or divided amongst a number of co-shares, each, even the smallest one, has its hereditary headman.[3] Sir Henry Maine's theory, therefore, that in a Bhagdari village the executive power is vested in a village council and not in a village headman is without foundation at least as far as Western India is concerned.

[1] *Adm. of Mar.*, p. 185.
[2] ii. 343.
[3] *Kathiawar Gaz.*, p. 171.

In a few village communities, however, the headman does not exist but his absence can be easily explained. This is chiefly in the Ratnagiri and Kolaba Districts and its cause is the Khoti system which is prevalent there. Khot when introduced by the Marathas and Peshwas soon became masters of their villages and replaced the ancient patels as headmen of villages. Hence it is that there are no hereditary patels in those districts. But several Maratha and Kumbi families are styled as patels in ancient deeds, and therefore we may well conclude that in the pre-Khoti days, headmen were common even in Konkan.[1]

Where not found: Why

The influence of the headman is now gradually dwindling. He hardly occupies the same position now which he did in 1818. The reasons, however, are clear enough. In the first place he has been deprived of many of his powers and privileges. He can no longer collect his former dues; he can no longer act as the village judge; he can no longer pose as the village protector. Besides in an age when literacy means power, he is often illiterate. It is no wonder then that his influence should have considerably diminished since the advent of the British Rule.

His dwindling influence

B. The Accountant

The headman, we have seen, is an invariable feature of the Village Government, but not so the accountant. Every village does not possess an accountant; if its revenues are small the village is put under the jurisdiction of the accountant of a neighbouring village, the latter functioning at both places.

Until recently, the accountant in the Deccan and Karnatak villages used to wield an influence incomparably greater than that of the headman; but such was not the case in the past. Literacy under the early British period meant power, and the accountant was the chief among the few village literates, if not the only literate of the locality. So he out-shone the headman. But in the past it was quite different. We have shown already how the headman was the most important personage in the

[1] *Ratnagiri Gaz.*, pp. 136–42.

community; the accountant was subordinate to him and acting under his directions. His privileges too were inferior to that of the headman. Thus in the Maratha period, he would receive the '*shir pān*' only after the headman had first received it; on the Dasara, the village musicians would play at his door only after they had first done so at the door of the headman.

The fact is that the office of the accountant is neither so old nor was it so important as that of the headman. The latter was the defender and protector of the village, while the former was only a clerk working under him. Hence it is that the law books which mention the headman hardly ever mention the accountant; he must therefore have been quite an insignificant officer in the early days of the history of our communities. We cannot, however, conclude that the office did not exist in the Smṛiti period; it is not mentioned simply because it was not important. For the office was regarded as a hereditary watan, like that of the headman, even under the early Mahomedan rule; for among the case-papers published by the Bhārata Itihāsa Samshodhaka Mandala, Poona, there are some which refer to litigation concerning the right to this watan. It is true that the name *kulkarni* cannot be traced to the Smṛitis and inscriptions, but the reason is not that the office did not exist, but that it was known by a different name. The name of the office does not seem to have been the same all through India; but *lekhaka* or *grāmalekhaka* was probably one of them. The duties of a '*lekhaka*', according to Śukra are the following: 'The clerk is to be he who has skill in accounts, who knows of the difference between countries and languages and who can write without hesitation and without vagueness.'[1] 'He is to keep accounts of income and expenditure and part with goods only after writing, and receive goods only after writing, in such a way as not to cause diminution or increase in the amount.'[2] These duties are precisely those of a modern accountant, the reference to the custody of goods being due to the fact that the land revenue was then paid in kind. Śukra was a northern writer but his '*lekhaka*' was existing in Western India. In many of the old unpublished sanads of Kulkarni watans in Mahārāshṭra which the present writer has seen, the grant is stated to be that of '*lekhanavriti*', so it follows that

[1] ii. 348. [2] ii. 861.

the name '*lekhaka*' found in *Śukranīti* must have been in currency in Western India. Inscriptions however supply conclusive evidence on the point; from Nasik cave inscriptions Nos. 16,[1] and 27,[2] it becomes absolutely clear that under the Kshatraps in the first century A.D., the office of the accountant existed and the incumbent was called a '*lekhaka*', as pointed out by Śukra. The '*lekhaka*' of these inscriptions could not have been a mere writer or clerk, for the profession of mere clerks was practically unknown in the ancient days. Nasik inscription No. 27, besides shows that the *lekhaka* there was a Śaka, and it is difficult to imagine how at a time when the Śaka had just conquered Western India, the members of their clans would have been reduced to such a plight as to accept mere, clerical work. If on the other hand we, agreeing with Śukra interpret '*lekhaka*' as the village accountant, we can well understand why the conquering race should have appointed its own members to the important position of the village accountant.

The office, however, is much older than the first century A.D., for it existed under the Mauryas. The duties of the '*gopa*' resemble precisely those of the modern accountant; he was to number the fields and mark them as cultivated and uncultivated, set their boundaries, to note any remission of taxes regarding fields, to keep an account of the exact number of cultivators, cowherds, merchants, artisans, etc. It is true that '*gopa*' was in charge of five or ten villages, but the duties that he had to perform were so multifarious and onerous, that he could not have discharged them without the assistance of a '*lekhaka*' at each village. How much older than the Maurya period the office is we do not know. It is not referred to in the *Jātakas*, and probably it was not then in existence. The system of keeping village registers does not seem to have been universally in vogue in these early days.

The office of the accountant being so old, it follows that written records of land titles, etc. in the villages were kept in Western India ever since the foundation of village communities. The record of right in the village is referred to in the Nasik

[1] सिवमितलेखकपुतस रामणकस लेणं देयधंमो । No. 16.

[2] सकस दामचिकस लेखकवुधिकस पोढि ॥ No. 27.

inscriptions, No. 4, 10, 19. Cf. एतसत्र गामस भिखुहलपरिहारे एथ निबधापेहि । No. 19 Konnur inscription of Amoghavarsha (*Ep. Ind.*, vi. 33) shows the same thing.

Besides the headman and the accountant there was one more officer, the watchman; his duties however will be discussed in the chapter on 'Defence and Safety.'

CHAPTER II

VILLAGE COUNCIL

Village Council: meaning of the term

HAVING discussed in the last chapter the question of village officers, let us now proceed to consider the village council. It should be stated at the outset that by 'village council' we do not mean the village Panchāyat or judicial court, but a select body of villagers which used to superintend all kinds of village affairs—village banking, village charities, village public works, village disputes, temple management and so on. From Chola epitaphs, it is clear that such a council was a regular feature of the South Indian village communities, and it has been assumed by many writers that the same was the case in the rest of India. Let us see what was the state of affairs in Western India.

Śākya councils peculiar to them

In the Introduction we have shown how the '*samitis*' and '*sabhās*' of the Vedic times lost much of their importance in the Brāhmaṇa age; we have also shown why the facts about the Śākya, Lichchhavi and Malla village communities cannot be accepted *mutatis mutandis* with regard to the rest of India. The correct notion about the average type of the village community can be formed from the data of the *Jātakas*, which being of the nature of folklore books, give a realistic picture of the village life as it was actually lived all over Northern India at the time.

Council in the *Jātaka* period

The *Pāniya*, *Gahapati*, *Kharassara*, *Kuḷāvaka* and *Ubhatobhattha Jātakas* are very important. The *Kuḷāvaka Jātaka* informs us that the headman had the power to impose fines, and the fact that the headman fined the wife of a villager for stirring up quarrels, recorded in the *Ubhatobhattha Jātaka*, gives us additional evidence on the point. Neither of the *Jātakas*, however, refers to a village council as assisting the village headman in the discharge of his judicial and other powers; but the absence of reference does not prove the absence of the institution. Under the Peshwas for instance all cases were decided by Panchāyats, and yet the

decisions were invariably promulgated in the name of the judicial officers who had referred the cases to the Panchāyats.[1] The same may have been the case in the *Jātaka* period and the *Jātakas* would naturally give more prominence to the presiding officer. This inference is supported by the *Kuḷāvaka Jātaka* which records that the 'villagers' used to transact the affairs of the village locally. This would hardly be a correct description of actual facts, if the headman were acting autocratically without the assistance of the village council, howsoever informally it may have been constituted. The *Pāniya Jātaka*, however, removes all doubts; for therein we read how two headmen in the kingdom of Kāsī respectively prohibited the sale of strong drinks and slaughter of animals, and how they subsequently cancelled their orders on the representation of the people that these were time-honoured customs.

Its precise nature

It is therefore clear that in the *Jātaka* period, villagers had a voice in the administration of their affairs. It is equally clear, however, that there was no regular constitutional machinery through which people could exercise their powers. Had there been, as Prof. Majumdar observes[2] a council of two, three or five men who regularly met for village business and who were ultimately responsible to the people, things would not have come to that pass to which they did in the *Pāniya Jātaka*. The village council at its regular meetings would have opposed the order of the headman and it would never have been promulgated. As it was, it seems that the people thought of managing their own affairs only when the headman had shown himself incompetent. The correct conclusion about the *Jātaka* India is that the village council was not the same kind of living and self-acting representative body as it was in the Vedic times. It was a more or less informal body of aristocratic elders who exercised their powers only when things were mismanaged by the village headman. This council of elders neither met regularly nor did it have a regular elective constitution. It consisted of those village elders who were regarded as influential persons in the community.

An informal body of village elders

The Aryan colonization of Western India was going on with full speed at the *Jātaka* period. It is therefore natural to presume

[1] Elp. pp, 65, 66. [2] *Corporate Life in Ancient India*, p. 68.

that the village communities in Western India, at the period of their earliest history did not possess a council of a more defined or representative character. Our communities were then engaged in the difficult and dangerous task of occupying forest lands and subjugating the aborigines; they were, therefore, more in need of daring leadership than of popular or elective councils; it may therefore safely be concluded that they did not think of making any new democratic changes in the constitution with which they were familiar in the north.

Under the Mauryas

Let us now trace the subsequent history of this nebulous council. For the conditions in the Maurya period, we have ample evidence in the *Arthaśāstra*, and when we remember how genuine was Aśoka's anxiety and effort to secure uniformity of administration throughout his wide empire,[1] it will be clear that things in Western India in the Maurya period were much the same as they are described in the *Arthaśāstra* of Chāṇakya.

Council yet not a regular body

This book minutely describes all the details of the several departments of the Maurya administration, but it nowhere mentions the village council. Had the council been at that time a common feature of village communities, regularly meeting and functioning, it would certainly have been mentioned by Chāṇakya. The absence of reference can only be explained on the ground that in the Maurya as in the pre-Maurya age, the council had not developed a regular constitution as it subsequently did in the south during the ninth century. Nor can it be contended that these councils ceased to function during the Maurya age as no scope was left for their functioning by the all-engrossing Maurya bureaucracy; for the *Arthasāstra* distinctly shows that even the Maurya bureaucracy used to encourage the villagers in managing many of their local affairs. Thus exemption from taxation offered by way of reward to those who would undertake works of public utility like the construction of a tank, or the digging of an embankment, clearly shows that these things were often managed by a non-official agency.[2] The penal provision सर्वहितमेकस्य कुर्वतो विरोधे द्वादशपणो दंड: shows clearly that such works were not

[1] Pillar edict, No. 4.

[2] Cf. तटाकसेतुबंधानां नवप्रवर्तने पंचवार्षिक: परिहार: etc., iii. 9,

always executed by the villagers through the agency of a regularly constituted council.

but an informal one only

The fact is that even in the Maurya period, the Aryan village communities, whether in the north or in the west, had not developed a regular council of two, three or five members ; they still continued to exercise their rights and discharge their duties through an informal and non-elective council of village worthies, who used to meet only as occasions arose. And the *Arthaśāstra* confirms this theory, for, whenever a non-official village agency had to be mentioned Chāṇakya always mentions '*gramavriddhas*' or village elders, and never '*grāmasabhā*' or '*grāmapūga*' i.e., village council. Thus boundary disputes were to be settled not by a *grāmasabhā* but by *grāmavriddhas* ;[1] the power to allow the debtor to take away the pledge in the absence of the creditor was vested not in the former but in the latter.[2] It is therefore clear that in the Maurya period such powers of self-government as were enjoyed by the village communities in Western India were exercised as before through the elders of the community. The arrangement of public fairs, festivals and shows, the management of temple property and the property of minors, occasional undertakings of public works and other matters which were left to the villagers were all managed by them under the general guidance and supervision of the village elders. Nor can the statement सन्नातादन्यो ग्रामसंघः नास्य जनपदमुपविशेत [3] be construed as proving that there existed in each village a village council or '*grāmasaṃgha*', for *grāmasaṃgha* in this passage obviously does not mean the village council of the type we are considering. For were it to denote that body, the passage yields no sense whatever. What business has a village executive council to go and stay in another village ? And what danger can be apprehended from an occasional visit on business of such a body ? And what interest had the administration in forbidding it ? What Saṃgha here means is some kind of popular village organization for managing Samājas, shows, etc. ; the arrival of such a body from another village was likely to interfere with the farming operations and

Village elders : their functions

A passage discussed

[1] iii. 9. [2] Cf. असंनिधाने वा ग्रामवृद्धेषु स्थापयित्वा निष्क्रयमाधिं प्रतिपद्येत । iii. 10. [3] ii. 1.

regular pursuits of villagers; therefore Chāṇakya desires to prohibit its entry if possible.

Conclusion

Village councils of the Chōla type were not in existence in Western India in the Mauryan period; let us now see what happened in the Āndhra-Kshatrap period (250 B.C. to A.D. 350). Fortunately, for this period purely Western India data are available for our inquiry; the Kshatrap and Āndhra inscriptions of Western India and the *Saptaśati* of Hāla, enable us to get a peep at the condition of the Deccan during this period. The evidence available, however, does not enable us to state definitely whether the villages had or had not evolved regular councils of their own by this time. Towns and cities no doubt had such councils; thus Nasik inscription No. 11[1] shows that it was a regular part of the procedure in connection with land grants that they should not only be recorded in the town register but be proclaimed in '*nigama sabhā*' or town council. But whether these city-councils were purely non-official and elective bodies, we have no clue to ascertain. Nor is there any epigraphical evidence to prove that village communities possessed any organization analogous to the *nigama sabhās* of towns and cities. Nay there is a significant omission in the procedure described in the case of village land grants. Two Nasik[2] and three Karli[3] inscriptions mention land grants in villages by the same king or his successor, they contain the order to get these registered in the registers of the various villages concerned, but there is no direction to announce the grants in any village council or *grāmasabhā*. Surely had the *grāmasabhā* been a regular constitutional feature it would have been mentioned like the *nigama sabhā*. It is possible that there is no direction in the case of villages for the promulgation of grants in local councils because villages being small units did not require any formal announcement; the event or grant would become well known without any such formality. This explanation however is not convincing.

Āndhra period

Doubtful evidence

Council in evolution during A.D. 250-550

It appears then that no *grāmasabhā* was as yet evolved as a full-fledged constitutional body; we, however, think that the institution was being gradually evolved in the late Āndhra period. The inscriptions show clearly how the whole of

[1] Cf. एत च सर्वं श्रवित निगमसभाय । [2] Nos. 3 and 4. [3] No. 13.

Western India was at this time studded with guilds of almost every profession; and their members were well acquainted with the constitution of a central council consisting of two, three or five members as laid down by Brihaspati.[1] Villages which often included among their residents some members of these guilds may not have been slow to imitate a similar constitution for their own corporate life. This process may have been accelerated during the three centuries following the fall of the Āndhras when the Deccan does not seem to have possessed any strong central rule. In this period of weak or no central control, villages in Western India might have acquired greater powers and privileges and felt more acutely the necessity of a regular council to exercise them.

Whatever the real reasons may have been, we find that a regular village council was evolved in Western India by the beginning of the sixth century. This conclusion is not based upon the well-known lines of Nārada and Bṛhaspati Smritis; for the conditions described in them may not have been true of Western India. The evidence supplied only by the Chālukya, Valabhi, Gurjara Rāshṭrakūṭa, Yādava and Śilāhāra plates is utilized, and its applicability to Western India cannot be questioned.

Valabhi, Rāshṭrakūṭa and Yādava plates

The Chālukya plates unfortunately throw no light on the problem; for they do not usually mention any officers. From the contemporary Valabhi and Gurjara plates of Gujarat and Kathiawar, it distinctly appears that some kind of village council was evolved at this period. Grants of these monarchs exhaustively enumerate all persons and officers who were likely to interfere with the grantee's enjoyment of the lands granted; let us see who are thus referred to.

(1) Valabhi forged plates of Dharasena II mention the following :—

सर्वानेव राष्ट्रपतिविषयपतिग्रामकूटायुक्तनियुक्ताधिकमहत्तरान् समाज्ञापयति । *Ind. Ant.*, vol, x, p. 284.

(2) Naosari plates of Dadda mention :—

सर्वानेव राजसामन्तभोगिकविषयपतिराष्ट्रग्राममहत्तराधिकारिकान् समनुदर्शयति । *Ind. Ant.*, vol. xiii, p. 77.

(3) Bharoch plates of Dadda II mention :—

सर्वानेव राष्ट्रपतिविषयपतिग्रामकूट-आयुक्तनियुक्तक-अधिकारिकमहत्तरादीन्समाज्ञापयति । *Ind. Ant.*, vol. xiii, p. 15.

[1] xvii. 9.

Similar statements occur in many other Gurjar and Valabhi grants. Officers are arranged in their descending grade (as in these cases) or in the ascending one (as in some others) from which it clearly appears that from ग्रामकूट onwards, we have village dignitaries enumerated. Among those officers are mentioned अधिकारिकमहत्तराः or महत्तराधिकारिकाः.

Who are the Mahttarādhkārikas?

The significance of these two expressions has not yet been made clear. Both Fleet and Bühler are doubtful in the matter. It may be however suggested that these expressions refer to the elders of the village council. Monier Williams states that महत्तर means the eldest person in the village; as, however, several महत्तर s are referred to, we may take the expression in the slightly modified sense of village elders. महत्तराधिकारिकाः then would mean the officers appointed from among the village elders, [महत्तराणामधिकारिकाः or महत्तराश्चामी अधिकारिकाः being the explanation of the compound] अधिकारिकमहत्तराः would mean the same, only the compound being solved in a slightly different manner (अधिकारिणः अमी महत्तराः). These expressions then undoubtedly refer to the council of village elders, a statement which receives quite unexpected support from the qualification of the councillors as laid down by Brihaspati; nay, it would appear that he actually designates the village officers by a name analogous to the one given here, viz. महोत्तमाः,

Cf. शुचयो वेदधर्मज्ञा दक्षा दान्ताः कुलोद्भवाः ।
सर्वकार्यप्रवीणाश्च कर्तव्याश्च महोत्तमाः ॥ xvii. 9.

It is therefore quite clear from these inscriptions that during the Gurjar and Valabhi rule in Gujarat and Kathiwar (A.D. 480–780) village communities possessed a council of elders, consisting of the persons selected or elected by the village elders, and called महत्तराधिकारिकाः. That the same was the condition under the Rāshṭrakūṭas throughout Gujarat, Mahārāshṭra and Karnatak becomes clear from the grants of these monarchs. For, the

They are the members of the elders' councils and are referred to in Gujarat, Deccan and Konkan inscriptions

महत्तराधिकारिक s or अधिकारिकमहत्तर s are referred to in the Baroda plates of Karkarāja, Rādhanpur plates of Govinda II, Cambay plates of Govinda IV, (thus showing that the council of elders continued to exist under the Gujarat Rāshṭrakūṭas) ; also in the Karhad plates of Krishna III, Paithan (Nizam's dominion), and Kavi (Bharoch District) plates of Govinda III, Wāni (Nasik District) and Talode (Khandeh District) plates of Kakkrāja II ; (thus showing that the council existed in the Mahārāshṭra of the eighth, ninth and tenth centuries). The Śilāhāra grants also disclose the existence of such a body in the Deccan and Konkan of the eleventh and twelfth centuries. As regards the Karnatak, Rāshṭrakūṭa plates in that province attest to the existence, not only of a more or less aristocratic council of elders, but of a village assembly resembling to a great extent its prototype in the extreme south under the Cholas. With this point, however, we shall deal later on.

Before tracing the further history of this village council, it would be convenient to stop here for a while to inquire what the constitution and function of this body were for that will enable us to understand its future better.

Council's constitution

As regards to the constitution of this council, we must observe that it was not like the village council of the south. The Uttarmallur inscriptions lay down minute rules regarding (i) the qualifications of voters and candidates and (ii) the time and manner of election.

No election

No such formal election probably ever took place in our western communities. We have seen how in the *Jātaka*, Maurya, and Āndhra periods there was no formal council at all in existence. Village elders then were exercising the rights of village communities simply because they were their natural leaders. In the subsequent Valabhi and Rāshṭrakūṭa periods the only change that took place was that these natural leaders of the village communities began to appoint, for the convenient transaction of business, a council

Council not a general assembly

or committee from amongst themselves ; for the inscriptions expressly state that the council consisted of elders (महत्तर) who were for the time being in power. Villagers at large had nothing to do with the election or selection of this committee ; the expression महत्तरोपयुक्तका: (officers appointed by the elders) that

is used in some inscriptions makes it abundantly clear that this council consisted of and was appointed by the elders.

Officials also not included in it

The council though aristocratic was still popular in a sense because it consisted usually of non-officials. The inscriptions quoted above sharply distinguish महत्तराधिकारिका: from the officers of the Central Government; nay, Śilāhāra inscriptions sometimes actually contrast the local councils with other local officials by remarking that they were appointed or '*niyukta*', whereas the *jānapadas* or peoples' council was '*aniyukta*' or not appointed (by the Central Government).[1]

Council in Western India included non-Brahmans

It may be further stated that the *grāmavriddhas* or the village elders did not consist of the Brāhmaṇas alone. When we remember how even the orthodox Smritikāras had no objection to Kshatriyas, Vaishyas, nay even Śudras being included in the assembly which was to decide undecided points in the Sacred Law (*Daśāvarā parishad*), when we observe how the *Mahābhārata* lays down a constitution for the cabinet with a preponderance of the non-Brahmins,[2] when we notice how in the succeeding early Mahomaden period the village '*gota*' or council included even the untouchables in Mahārāshṭra, we may confidently assert that in our western village communities, which consisted mostly of non-Brahmins and which were proverbially unorthodox, the village council must have been a cosmopolitan body. In this connection our communities present a striking contrast with the orthodox communities of the far south; for there no one could become a member of the council who did not know Mantra and Brāhmaṇa.[3] Orthodoxy was

[1] नियुक्तानियुक्तराजपुरुषजनपदान् Bhandup plates of 977, and Kharepatan plates, 1016 *Śaka.*, *Ind. Ant.*, ix, p. 35.

[2] वक्ष्यामि तु यथामात्यान्यादृशांश्च करिष्यसि ।
चतुरो ब्राह्मणान्वैद्यान्प्रगल्भान्स्नातकान् शुचीन् ।
क्षत्रियांश्च तथा चाष्टौ बलिनः शस्त्रपाणिनः ।
वैश्यान्वित्तेन संपन्नानेकविंशति संख्यया ।
त्रींश्च शूद्रान्विनीतांश्च शुचीन्कर्मणि पूर्वके ॥ *Śānti.*, 85.

[3] Utarmallur inscription.

never rampant in Western India as in the south; hence this characteristic difference.

Functions

Having so far investigated into the constitution and composition of the council, let us now examine its functions. Absence of contemporary historic evidence however renders this task extremely difficult. Inscriptions throw no light whatever on the point, the voluminous Valabhi, Gurjar, Chālukya, Rāshṭrakūṭa, Yādava and Śilāhāra records give no clue whatever to the working of this council.

Scanty evidence

Some negative conclusions: Contrast with Chōla councils

The examination of these records enables us, however, to come to some negative conclusions; and they are by no means unimportant. Nowhere do we find the elders or their council discharging functions of rural banks receiving and administering public or private or trust properties. Nor do they seem to have developed any departmental committees as was the case in the south. Had there been, for instance, a taxation committee in the Deccan village community, it would certainly have been referred to in the inscriptions at Pātan (near Chalisgam), Vāghli (in Khandish) and Salgoti (in Bijapur). There we are told how the villagers of these localities agreed to pay certain additional voluntary levies for the purpose of supporting local colleges. The relevant portion from one of these inscriptions which we quote below[1] by way of example, clearly shows that there were no taxation committees. We notice that the people are exhorted to pay the taxes; had there existed a permanent taxation committee, it would have been naturally asked to collect them with due diligence.

[1] शालात्रिद्यार्थिसंघाय सुद्रव्याणि द्विजातिभिः ।
पंचगुण्याणि देयानि विवाहे सति तज्जनैः ।
देयं तथोपनयने विवाहे यत्पुरोदितम् ।
....
कोनचित्कारणेनेह कर्तव्ये विप्रभोजने ।
भोजयेत्तु यथाशक्ति परिषत्परिषज्जनम् ॥ *Ep. Ind.*, iv. 60; Salgoti inscription of कृष्ण III.

It must therefore be concluded that the tendency to allow the village headman to take the initiative and to encourage the villagers to do things of communal utility in an informal manner seems to have characterized the village councils even in the period under review when they had attained their greatest development. The village council in the Deccan does not seem to have ever discharged its functions in a formal and constitutional manner. It never appointed a standing sub-committee for the public works; when the necessity arose, it made requisite arrangements for the work immediately in hand. The work over, the temporary organization would cease to function. Nor are temple sub-committees ever seen to be appointed anywhere; the management was left to the temple *Pūjāri* as long as he was behaving properly.[1] It may be noted that in the numerous temple or monastery grants at Karli, Nasik, Kāvi (in Bharoch), Valabhi, etc., extensive properties that are granted for the management of temples and monasteries for their repairs, etc., are conveyed directly to these temples or monasteries and *never* to any temple committee or village council in trust for any temple or monastery. This clearly shows that ordinarily there was no temple sub-committee in Western India as there was in the extreme south. Similarly here was no tank committee or committee for public works; had such a sub-committee been a regular feature of the village communities in our part of India, it would have been referred to in the Nadwadinge plates of Akālawarsha (A.D. 902) which mention provisions made by the villagers for the construction and repairs of a local village tank. But the contents and tenor of this inscription show that there was nothing like a permanent tank sub-committee existing there, as was the case in the extreme south.[2]

No standing sub-committees appointed

It may therefore be safely concluded that the various things that were done in the Dravidian south through formal agencies of standing sub-committees were done in Western Indian communities by temporary committees, formed for a particular work, —

[1] *Ind. Ant.*, vol. xii, p. 224.
[2] *Ibid.*

committees which had no permanent existence or constitution and which came to an end with the works entrusted to them. The village elders in Western India used to merely supervise the work of the village youngers, giving them advice, solving their difficulties, composing their quarrels (should any arise) and raising the necessary funds from the villagers through their influence. The only occasion when they used to gather formally together was when a civil dispute had to be settled, how they discharged that function, will be narrated in the next chapter.

Conclusion: different from Dr. Majumdar's

Such then was the nature, constitution and function of this somewhat mysterious village council. It will be noted that our conclusions in this respect do not agree with those of Profs. Majumdar and Mukerji who think that there was a regular council of two, three or five persons in the Indian village communities. Such councils did exist in the extreme south, but the epigraphic evidence for Western India which is discussed above shows quite clearly how dangerous it is to draw general conclusions applicable to India as a whole from data supplied by the Smṛitis of one province or the inscriptions of another. It is indeed high time for scholars to realize that real and reliable history of India's past can be reconstructed not by wide generalizations but by intense research, province by province, century by century.

The case of the Bombay Karnatak

Our conclusions about the nature of this council are applicable to Gujarat, Kathiawar and Mahārāshṭra. They are in fact based upon inscriptions in these provinces. They do not however hold good in the case of the Bombay Karnatak, whose case, it may be recollected, we had postponed for a future and separate discussion. This province was on the boundary that divides the Aryan north from the Dravidian south, and so we find many of the village institutions there combining some of the features of the south and the north. This province was originally purely Dravidian, but ever since the commencement of the Christian era, it has been under the Aryan rule. In fact in historic times at any rate, the province is never known to have come under the Chola, Pāṇḍya or Kerala rule for any appreciable time. Naturally therefore the original Dravidian type of the village community was

here largely modified by the influence of the northern Aryan rule. And this is most clearly seen in the case of the village council of the Hindu period which we find neither so aristocratic as in the north nor so democratic as in the south.

Examination of inscriptional evidence

An examination of the Karnatak inscriptions of the Rāshṭrakūṭas and Chālukyas gives us very interesting information in this connection. Tirukkalukkunram inscription of Krishna III hails from the Chingleput District in Madras Presidency. After recording the registration of a grant of land by the village *sabha*, the inscription adds, 'If we, members of the assembly of Tirus, obstruct the burning of the lamp, we shall incur the sin of *Brahmahatyā*.'[1] In another inscription from the same place we read, 'We members of the assembly having taken from this person the money for taxes gave the land tax-free for as long as our village and the sun and the moon endure.'[2] These records then, make it quite clear that under the Rāshṭrakūṭa rule in the extreme south of their kingdom, there existed regular village assemblies of the Dravidian type which used to record and guarantee such pious grants and act as trustees for the grantors. In the Adargunchi inscription of Govinda[3] we read 'Malligu Gudayya gave into the hands of eighty-four *Mahājanas* a piece of land for the temple of God Malligeshwer.' This again shows that the village communities in Gadag Taluka possessed temple committees which used to discharge the functions of trustees. But this was not invariably true of the Bombay Karnatak, nor even of Gadag Taluka; for, another and almost contemporary inscription from Soratur (in Gadag Taluka) refers to several grants to the local temple but mentions no temple committee for their administration. Line 9 of the inscription makes it quite clear that the temple *Pūjāri* or manager himself was to execute the trust.[4] The same is the case with the Hatti Mallur Canarese inscription of *Nityavarsha* dated 916 A.D.[5] which mentions two

[1] *Ep. Ind.*, vol. iii, p. 284.
[2] *Ibid.*, p. 287, D inscription.
[3] *Ind. Ant.*, vol. xii, p. 257.
[4] *Ibid.*
[5] *Ibid.*, p. 225.

grants to the local temple but no temple committees to administer them. Coming further north to Bijapur district, we find that such sub-committees and village sabhās become still rarer. We have already seen how the Sālgoti inscription in this district, which records gifts of extensive lands for the maintenance of the local college and imposition of extra taxes for the same purpose, makes no mention of the village council acting as trustee or of a taxation committee supervising the work of the collection of the voluntary taxes. The Bhairanmath inscription in the Bagalkoṭa Taluka records a certain grant and concludes with the statement that the six '*gaudas*' shall protect this act of piety. As '*gauda*' means the headman, it becomes clear that there was here no village assembly to guarantee the grant, but that the village headman used to give the necessary assurance.

Its territorial analysis

The facts cited above from the various parts of the Karnatak make it quite clear that (i) in the extreme south there existed full-fledged village assemblies (as at Tirukkalukkunram) discharging banking and other duties through sub-committees, (ii) that in the central part of the Karnatak such assemblies and their sub-committees are seen to exist and function in some villages (as in Adargunchi) and not in others (as in Hatti Mallur Soratur Salgoṭi) and that (iii) in the North Karnatak there seem to exist no regular assemblies, their functions being discharged by the leading members of the headman's family (as at Bhairanmath).

What it shows

The conclusion to be drawn from this analysis is quite clear. It shows that the regular village council and its sub-committees which used to exist in the Chola country were peculiar to it, being most probably Dravidian institutions. Hence it is that we find them fully developed in Chola and the extreme south of the Karnatak, partially developed in the central Karnatak (where the northern Aryan influence was partially felt) and practically non-existent in the North Karnatak (where the Aryan influence was more effective). This clearly supports our theory that the village assembly, with regularly constituted sub-committees working as standing bodies and discharging various functions entrusted to them, is a purely Dravidian institution. Hence it is that we find it fully developed in the heart of Dravida

country, partially developed on the borderland in the Bombay Karnatak and practically absent in the Aryan Mahārāshṭra, Gujarat and Kathiawar. It should be, however, noted that when we call Mahārāshṭra, Gujarat and Kathiawar Aryan, we do not mean to say that the population of these provinces is from an ethnic point of view, predominantly Aryan; we simply assert that the institutions in these provinces are modelled upon the northern pattern of the *Jātaka* and pre-*Jātaka* periods when no Dravidian influence could be suspected.

The Aryan council distinguished from the Dravidian

The original type of the Aryan agency for local self-government was the assembly or council of the village elders, not elected but self-constituted, meeting not regularly, but as occasion arose and making informal and temporary arrangements for each piece of public business. This council did not discharge any banking functions but left them to the local businessman or guild. It did not impose any regular local rates but managed to raise the necessary funds through voluntary contributions. It did not undertake any responsibility for the peaceful enjoyment of grants by grantees but left that duty to the headman and the Central Government. It derived its power not from any election, but from the influence which its members naturally wielded in the village community.

Moslem rule differently affects different parts

Such then was the typical village council in Western India down to the Mahomedan period. Let us now investigate its further history. The task of ascertaining the effect of Mahomedan rule on our village communities becomes rather complicated from the fact that the rule was not equally stable and permanent all over Western India. In Gujarat it was stable, permanent and fairly well organized, so the effects were most pronounced there. In Mahārāshṭra it was never well established; in the Karnatak, though it lasted for long time, it used to invariably utilize Hindu agency; so here the influence was less marked. The present writer does not agree with those who maintain that the onward trend of the march of the Hindu culture was not much affected by the superimposition of the Moslem rule. As far as village communities are concerned, there can be no doubt that

it arrested their further development. It is true that the Mahomedans did not much interfere with the old arrangements of village communities, but it is equally true that the general effect of the Mahomedan rule was to render feeble the various forces which were spontaneously working in the village communities. The paternal solicitude of the Hindu rulers was replaced by cold indifference of the new conquerors; or, as Prof. Jadunath Sarkar puts it, the communities could enjoy parochial self-government rather than local autonomy.[1] There was despair and despondency at the loss of independence; the rulers being often whimsical there was always an apprehension of something like an unknown dread. Then again the existence itself of these communities was always hanging in the balance whenever hostilities arose, for unlike the old Hindu kings, Mahomedan sovereigns never spared villages in their warfare. And these hostilities were frequent and bitter.

General effect: development arrested

It is natural that under such adverse circumstances the development of many of the institutions of our village communities should be arrested and some of them should cease to function. The latter was the fate of the council of elders in Western India. The council was in itself a kind of superfluous formality, and in adversity men always part with superfluities. Enthusiasm and buoyancy again which are necessary for the successful working of popular institutions were also altogether lacking, so a formal council must have been found no longer workable. Then again, it must have been found more convenient and safe to entrust the village affairs to the village headman alone; in times of stress and difficulty, single leadership is always preferred. Owing to these and similar factors, the village council of elders disappeared from Western India as a formal body. It is nowhere mentioned in the numerous papers of the early Maratha period that have been so far published. Had such a council existed, it would surely have been referred to. Had it existed in the early Mahomedan period, Shivaji would certainly have continued it. Nay, he would even

The formal council disappears

Not revived even by Shivaji

[1] *Mogul Administration*, p. 12.

have revived it, as he revived the old Hindu ministry. But no such body is known to have existed even in the days of Shivaji and later. From the Maratha papers it appears that the patel was in this period managing village affairs with frequent consultations with village worthies on occasions of importance. A formal meeting of the latter body was convened only when a dispute arose and it could not be settled by the headman. All other village business, like the construction of a new well or the celebration of an annual festival, was managed by the headman himself with an informal consultation with the village elders. This consultation, though informal, was real and effective; it was hardly possible for a headman to discharge his duties if he were to flout the opinion of the village worthies. Villagers, then, were enjoying in substance if not in form a substantial amount of self-government. The headman was moreover always acting as a man of the people and not as an officer of the Central Government; the interest of the villagers and not of the Central Government was usually foremost in his mind.

Conditions under Marathas in the Deccan and Karnatak

Such was the state of affairs in the Deccan and the Karnatak throughout the Maratha period. The state of Gujarat, however, was different; the informal village council there was not exercising the same amount of influence as in the Deccan. The Mahomedan rule was firmly established there for four centuries, and through the oppression of its officers, and the greed of its revenue farmers, the villagers practically lost all their powers; the village council became an effete body hardly possessing any influence.[1]

In Gujarat

Let us now turn to the British rule and inquire into its effect on the informal village council. The British Government no doubt did not declare those informal councils as unlawful assemblies, but still the inevitable effect of its policy was to destroy them. Not that the British Government deliberately worked to bring about this result,—on the other hand its first batch of officers genuinely desired to preserve these institutions—but the natural and inevitable effect of its policy and system of administration was fatal to them. The British

Under the British rule: the informal council disappears

[1] Ranade, *Rise of the Maratha Power*, p. 22.

administration was, until recently, an exceptionally centralized one ; all its activities were guided and controlled by the directions received from the headquarters at the capital. In such a system of administration, the old village council meeting irregularly in an informal fashion and doing the village business according to the wishes and convenience of the villagers, had no place. The villagers again were not accustomed to transact the village business according to the strict orders issued from the Government head-quarters. Their procedure was informal and the Government in India, as introduced by the British, was a Government by red tape. The council, therefore, was bound to disappear in course of time. But its disappearance was accelerated by two more factors (i) the disallowance of the grant to the village fund from village revenues and (ii) the many-sided activity of the new Government. We shall show in our chapter on taxation how about fifteen per cent of the revenues collected in the village were handed over to the headman and the village elders for defraying the village expenses. It was this fund which, supplemented by other sources, enabled the council to organize village concerts, to execute works of public utility and to relieve the poor and the distressed. But the British Government discontinued the grant to the village fund and so the very sinews of the informal council were destroyed. Voluntary subscription, too, ceased to come forth when people found that the new state was undertaking all sorts of activities undreampt of in the old days. Thus when the local board was seen to repair the *Dharmashālā* or Chavdi, people naturally saw no reason for raising voluntary subscriptions. They were again growing progressively poorer and poorer and could not afford to pay these subscriptions. Members competent to discharge the duties of the old council began to become rarer and rarer. Owing to the economic conditions introduced by the British rule, villages began to be depopulated ; the best element in the village population began to migrate to towns and cities and no competent persons were left to discharge the duties formerly performed by the council. Egoism, fostered by Western culture, soon filtered down to the villages and produced factions and parties. The establishment of regular law courts removed adjudication from the cognizance of the village elders and this deprived them of most of their old awe and power. The average villager soon

Reasons for its disappearance discussed

realized that under the new regime, the village elders and their council were completely ignored and so he ceased to pay any regard to their wishes. Naturally the power of the elders came to an end. The Village Panchāyat Act has been recently passed in 1920 by the Bombay Legislative Council; whether it will succeed in resuscitating the old councils will be discussed in the concluding chapter.

CHAPTER III

THE SETTLEMENT OF VILLAGE DISPUTES

HAVING traced in the last two chapters the history of the Village Executive, we now proceed to inquire how the various governmental functions connected with the life of the village community used to be discharged. The foremost governmental function that suggests itself is the administration of justice and in this chapter we proceed to discuss the arrangement made in our village communities for the settlement of village disputes.

Panchāyats immemorial, but had no jurisdiction over serious crimes

From times immemorial down to the British period, village disputes used to be settled among the villagers themselves. There was only one exception, and that was of violent and serious crimes. These were tried and their perpetrators punished by official tribunals of the Central Government. Professor Mukerji, however, maintains that 'the local courts took cognizance both of civil and criminal cases;'[1] we must therefore state in detail our reasons for differing from him.

Jātaka, Maurya, and Smṛiti evidence goes against Professor Mukerji

A survey of the authentic as well as legendary history goes against the learned professor. Thus *Kuḷāvaka Jātaka* proves that the comparatively serious cases had to be sent to the royal courts for decision. There the headman did not himself try the band of robbers, which he would certainly have done if he were permitted to try such cases, but sent them to higher authorities for trial and punishment. In the Maurya period again the case was the same; the purely non-official court could take cognizance only of petty disputes; even the official village court could try minor cases only.[2] From Asoka's Pillar Edict, No. 4, it is clear that serious cases were tried only by superior courts and their sentences were subject to confirmation by special officers. Smṛitis again are unanimous in observing

[1] *Local Self-Government*, p. 140.

देवब्राह्मणतपस्विस्त्रीबालवृद्धव्याधितानां अनाथानां धर्मस्थाः कार्याणि कुर्युः । *Arthasâstra*, III, 20.

that *sāhasas* or violent crimes were to be excluded from the cognizance of local courts. Thus Brihaspati i. 28 states 'Relatives, companies (of artizans), assemblies (of co-inhabitants) or other persons duly authorized by the king should decide law suits among men *excepting causes concerning violent crimes.*' The same reservation is made by Vishṇu, Nārada and Śukra. This is as regards the Hindu period. Among the numerous Panchāyat papers of the early Mahomedan and the subsequent Maratha periods, no record exists of any high crime being tried by the local village Panchāyats. Under the Mahomedan rule in Gujarat criminal offences of a serious nature were tried by Quazis appointed by the Central Government. In the Deccan of the Peshwa period we learn from Mr. Chaplin's report, 1824,[1] that 'patels exercised without any defined limits to their authority, the power of slightly punishing for all offences such as abusive language, petty assaults and trespasses. The punishment seldom went beyond a few blows with open hand or confinement for a couple of days in the village chavadi. . . . If the crime was of such a nature as to require a greater penalty, the delinquent was sent to the Mamlatdar.'

Moslem and Maratha periods continued the tradition

It thus clearly appears from the survey of the known facts of history that criminal cases of a serious nature were never tried by local Panchāyats. Professor Mukerji bases his conclusion on two or three Chola epigraphs, but there are others which go against him. Thus in all the five cases, mentioned in Section 42 of the Government Epigraphic Report, 1907, persons guilty of accidental homicide were tried and convicted not by the local assembly but by a meeting of 'four quarters, eighteen districts and the various countries' or by 'the Governor and the people of the districts.' This makes it quite clear that even in the Chola country, serious offences were tried not by the local village assemblies but by higher district or provincial councils presided over by the Governor.

Why were serious crimes excluded from their jurisdiction

Serious criminal cases then were always outside the jurisdiction of the village Panchāyats all over India. And the reason for this is not far to seek. Most of the serious crimes were in the opinion of Hindu Jurisconsults capital crimes, and this theory held the field almost everywhere till not very long ago.

[1] *Vill. Govt.*, p. 163.

In many cases mutilation was laid down as a punishment. Now capital punishment and mutilation involve the exercise of the highest power of the state and so naturally they can hardly be delegated under any system of local government to the village tribunals. Naturally therefore we find serious crimes deliberately excluded from the cognizance of the local courts by the wise Smṛitikāras.

After this discussion, it is hardly necessary to observe that the system of criminal administration described in the *Aṭhṭhakathā* [1], a commentary on the *Mahāparinibbāṇasutta*, could hardly ever have existed in any village community. It is doubtful whether even among the Vajjins it was ever actually in vogue; for it is difficult to believe that any community could ever have followed a practice which required a criminal to be tried by eight courts before he could be convicted and sentenced.

Panchāyats in the pre-Mauryan days.

With the exception of serious criminal offences, village communities all over India could themselves try and decide all causes. As we are chiefly concerned with Western India, we must resist the temptation of citing passages from the *Atharva Veda*, *Vājasaneyī Samhitâ* and other Vedic works to prove how even in that early age cases were tried by Panchāyats whose members were called *sabhācharas* or *sabhāsadas*. The reference to the village judge in the *Taittiriyasaṃhitā* again shows that at that early time cases were decided in the villages themselves. Coming to historic times and Western India, we find that even the Mauryan zeal for centralization was not strong enough to kill the village Panchāyats. It is true that many of the cases were taken out of the cognizance of the local Panchāyats, but some were still left to them. The *Arthasāstra* expressly states that the boundary disputes should be tried by the elders,[2] who had also the power of allowing a debtor to take away his pledge in the absence of the creditor on the payment of the debt. [3]

The Maurya village court

Villagers however indirectly exercised even in the Maurya period large powers in the settlement of disputes that were tried by the government courts only. A glance at the composition of the official village court will make this clear. This court consisted of three

[1] See *J. A. S. B.*, 1838, pp. 993-4.
[2] iii. 9. [3] iii. 25.

Amātyas and three *Dharmasthas.*[1] With reference to a village, *Amātyas* cannot mean ministers ; they obviously denote government village officers like the headman or *grāmaswāmi* the accountant or *Āyukta* and the circle officer or '*gopa*'. As regards the *Dharmasthas*, their qualifications are thus described

पूज्या विद्याबुद्धिपौरुषाभिजनकर्मातिशयिनश्च पुरुषा धर्मस्थाः iv. 20.

This clearly shows that *Dharmasthas* were influential persons in villages appointed by Government to the village bench. They therefore must have been prominent members among the village elders. Under the Mauryas therefore though the village communities did not possess *de jure* the same powers of self-adjudication as they did in the previous and subsequent ages, still they were *de facto* exercising them. The Madhyasthas were from among the village elders, the Amātyas were from among the village residents, and the whole endeavour of this court was, like that of a popular Panchāyat to arrive at an equitable arrangement satisfactory to both the parties.[2] Such then was the state of affairs in the Maurya age and we have already shown in the last chapter why we are justified in maintaining that the conditions described in the *Arthaśāstra* are applicable to Western India of the time.

Āndhra, Valabhi and other Western inscriptions throw no light

Let us now pass on to the Āndhra-Kshatrapa period. We here suffer from the want of reliable inscriptional evidence. The Āndhra and Kshatrap inscriptions are numerous and scattered all over Western India, but they throw no light whatever on the settlement of village disputes. The same also may be said of the Valabhi, Gurjara, Chālukya and Rāshṭrakūṭa inscriptions, with this exception, however, that they conclusively prove that throughout the Hindu period all over Western India village disputes were mostly settled in the villages themselves.

[1] Cf. धर्मस्थास्त्रयः त्रयोऽमात्या जनपदसंधिसंग्रहद्रोणमुखस्थानीयेषु व्यावहारिकानर्थान्कुर्युः । *Arthaśāstra*, iii. 1.

[2] Cf. दाता प्रतिग्रहीता च स्यातां नोपहतौ यथा ।
दाने क्रये वानुशयं तथा कुर्युः सभासदः । iii, 15.

For, almost every village grant assigns to the grantee the right to receive, along with the land revenue, the fines and other sums due from the villagers in connection with their disputes [cf. the usual inscriptional phrase सदंडदोषदशापराधः occurring very frequently]. It is difficult to realize how this assignment would have been found workable if the village cases were tried at the headquarter of a *bhukti* or taluka or *vishaya* or district, and the stamp and dispute fee collected at the treasury of these headquarters. It was because suits were tried, and Government dues from the parties collected, at the village itself that its assignment to the grantees of village grants was found practicable.

Cases were tried in villages

But these inscriptions throw no light whatever on the nature of the village judicial agency or its procedure. It is however safe to conclude that the village disputes were decided by the village headman or *grāmakūṭa*, with the help of the village elders or *grāmamahattaras* when necessary. We have already seen in the last chapter how the village elders had by this time evolved a regular executive committee and how one of its functions undoubtedly was the settlement of village disputes. The expression used by Brishaspati xvii. 9, while describing the members of the village court is most significant. He says that besides being pure, well-behaved and learned in law, they should be also from among the village elders. We have already seen in the last chapter how the expression महोत्तमाः of बृहस्पति is but another form of the expression महत्तराः of the Western India inscriptions. Then again there is the statement of Nārada

By the elders

न सा सभा यत्र न संति वृद्धा वृद्धा न ते ये न वदन्ति धर्मम् ।
नासौ धर्मो यत्र न सत्यमस्ति न तत्सत्यं यच्छलेनानुविद्धम् ॥ iii. 18.

which clearly shows that the elders played the chief part in the settlement of village disputes. The inference, then, that the *grāmamahattaras*, who are so often mentioned in the Western India Inscriptions, were the very persons who were attending to the settlement of village disputes is not unwarranted.

Smriti evidence, though northern, yet applicable to Western India

Inscriptions being silent on the point, we must mainly rely on the Smṛitis for a detailed picture of the village administration of justice. Yājñavalkya, Nārada, Śukra and Brihaspati throw important light on the subject. But most of these authorities hail from Northern India; and the question therefore naturally arises whether their statements can be accepted as applicable to Western India. A little reflection will however show that the picture that we get from these Smṛitis must have been true of Western India. The earliest commentator to explain the terms *pūga*, *kula*, *śreṇī*, etc., occurring in these Smṛitis in connection with the village administration of justice is Vijñāneśwara, the celebrated author of the *Mitāksharā*, and his explanations of these terms are followed by even the northern commentators. Now Vijñāneśwara was a westerner and flourished at Kalyāṇi in the eleventh century.[1] It is therefore natural to presume that he would not have been able to explain satisfactorily the minute differences in the various types of local courts mentioned by Yājñavalkya had he not been intimately acquainted with the working of these courts in the dominion of his patron which embraced the Deccan and the Karnatak. That these courts existed in the villages of Western India in the days Vijñāneśwara would appear as almost certain, if clear evidence can be adduced to prove that the *pūga* courts mentioned by Yājñavalkya, Nārada and Brihaspati, and explained by Vijñāneśwara, continued to exist precisely in the old form even in the Mahomedan period. If these village courts can be shown to be existing in Western India even after the Mahomedan conquest, receiving recognition and support even of the foreign invaders, it stands to reason that they must have had a long history behind them when the Mahomedans arrived on the scene. It will then become certain that they were existing in Western India during the Hindu period.

Why

Reasons discussed

[1] Cf. नासीदस्ति भविष्यति क्षितितले कल्याणकल्पं पुरं
नो दृष्टः श्रुत एव वा क्षितिपतिः श्रीविक्रमार्कोपमः ।
विज्ञानेश्वरपंडितो न भजते किंचान्यदन्योपमः । etc., *Mitākshară*.

Popular courts described in the Smṛitis

Let us first briefly analyse the composition of these courts as described by the Smṛitis. From Yājñavalkya ii. 30 [1] it appears that *pūga*, *śreṇi* and *kula* were three popular tribunals existing in village communities. The *Mitāksharā* explains *pūga* as an assemblage of persons of different castes and professions but residing in the same place.[2] This explanation, it will be at once recognized, tallies entirely with the nature of the council of *grâmamahattaras* in our Western Indian Communities, which also consisted, as we have shown,[3] of the village elders of various castes and professions residing at the same place. The chief village court then was of *grâmamahattaras* or *pūga* and we shall soon show how it continued to exist down to the British period. The guild courts (*śreṇi*) and the family courts (*kula*) were subordinate to it; for Brihaspati says :—

Their three lasses

'Relatives, companies (of artisans), assemblies (of co-inhabitants) and other persons duly authorized by the king should decide law suits among men excepting causes concerning violent crimes.'

'When a cause has not been duly investigated by a meeting of kindred, it shall be decided after due deliberation by companies (of artisans); when it has not been duly decided by these, it should be decided by the assemblies of co-inhabitants, and when it has not been sufficiently laid out by these it should be tried by appointed judges.' [4] Nārada also states that such was the gradation of village courts. He introduces a further classification and says that courts are (i) stationary, (ii) peripatetic, (iii) officially authorized and (iv) presided over by the king himself.[5] Stationary courts are those in towns and villages; peripatetic courts are courts of caravans and merchants (for Brihaspati states that the

[1] नृपेणाधिकृताः पूगाःश्रेणयोऽथ कुलानि च ।
पूर्वं पूर्वं गुरु ज्ञेयं व्यवहारविधौ नृणाम् ।

[2] भिन्नजातीनां भिन्नवृत्तीनां एकस्थाननिवासिनां समूहाः पूगाः ।

[3] See pp. 23, 24 ante. [4] i. 28-30.

[5] प्रतिष्ठिता पुरे ग्रामे चला नामाप्रतिष्ठिता ।
मुद्रिताऽध्यक्षसंयुक्ता राजयुक्ता च शासिता ।

courts of guilds and carvans exist wherever the guilds and caravans go);[1] officially authorized courts are courts of the special judicial officers appointed to try special cases; and court presided over by the king was the highest tribunal.

Guild courts not in our communities

It will be shown in a subsequent chapter that guilds did not exist in the Western Indian village communities; it obviously follows that the guild courts were non-existent there. The principle however underlying the idea of a guild court, viz., a person ought to be tried and his cause judged by his peers, was well recognized in Western India; for as we shall presently show, even in the early Mahomedan period it was followed wherever practical.[2] It is therefore natural to presume that it must have been followed in the preceding Hindu period as it was well known to Gautama [3], Manu [4] and Śukra.[5]

The principle recognized

Kula courts

As regards the kula court, it may be observed that it hardly deserves the name of a court. Filing a suit before the *pūga* or village Panchāyat was a costly affair; a certain percentage on the value of the property in dispute had to be paid, as we shall soon show, for the expenses of the suit; so naturally parties tried to compose their differences by referring them to their relatives. This procedure was common in the Mahārāshṭra down to the time of Pratāpsimha (A.D. 1836) who exhorts his subjects to follow it before referring their suits to the

Referred by Pratapsimha

[1] ये चारण्यचरास्तेषामरण्ये करणं भवेत् ।
सेनायां सैनिकानां तु सार्थेषु वणिजां तथा । i. 26.

[2] See *supra*, p. 47.

[3] कर्षकवणिक्पशुपाल्कुसीदकास्वः स्वे स्वे वर्गे (प्रमाणम्) । xi. 23.

[4] वणिक् शिल्पिप्रभृतिषु कृषिरंगोपजीविषु ।
अशक्यो निर्णयो ह्यन्यैस्तज्ज्ञैरेव तु कारयेत् । viii. 39.

[5] अभियुक्ताश्च ये तत्र यन्निबन्धनियोजना: ।
तत्रत्यगुणदोषाणां त एव हि विचारका: ।
आरण्यका: स्वकै: कुर्यु: सार्थिका: सार्थिकै: सह । etc., 24, 25.

Panchāyats [1] and we may therefore well conclude that it must have existed in the Hindu period also which we are here reviewing.

Conclusion about the Hindu period

To conclude then, we may confidently assert that throughout the Hindu period, our village communities in Western India were enjoying the right of self-adjudication. The principal village court was called *pūga* and consisted of the village worthies *grāmamahattaras*; but before a case was referred to that court, an effort was made to arrive at a compromise through the influence of family elders or caste committees. There was an appeal allowed, as all the Smṛitis show, against the decision of the local court, to the court of the king's chief justice and last to the king himself. But the king's part in deciding suits either at the first instance or in appeals did not theoretically much differ from that of the British Crown in deciding the Privy Council appeals.[2]

Rules of procedure

Nārada Smṛiti lays down (chapters i–iv) minute rules about the judicial procedure,—how and when summons or warrants should be issued, when pleaders should be allowed, what should be the rules of evidence, when should *res judicata* be admitted as a defence, when should re-trial be permitted, etc. Most of these rules are found to be guiding our village Panchāyats, even in the subsequent Mahomedan and Maratha periods; so there can be no doubt they that were followed by the Western Indian village communities during the Hindu period. We shall briefly refer to them while dealing with the question of the procedure of Panchāyats during the Maratha period.

Maratha period: sources

Having so far considered the Hindu period (300 B.C. to 1300 A.D.), we now turn to the early Mahomedan (A.D. 1300–1600), Maratha (1600–1720) and Peshwa periods. Messrs. Rajwade, Parasnis, Khare and Bhārata Itihāsa Samshodhaka Maṇḍala, Poona, have published many papers connected with the judicial affairs of this period. In Volume No. 12 of the last mentioned Maṇḍaḷa, Mr. Bhat gives a very valuable summary of the judicial procedure which was observed in the Satara Kingdom down to 1836. We shall refer to this document as Pratāpsimha's Code, which it may be observed in passing, consists of only thirty-nine sections.

[1] *supra*, p. 47.
[2] See Nārada, i. 46ff; Brihaspati, ii. 34ff; Śukra, iv. 5, 184-201.

From these papers it appears that settlement of village disputes by mutual understanding through the friendly intervention of some influential relatives was quite common in Mahārāshṭra down to the middle of the last century. Elphinstone refers to this practice, and Pratapsimha observes in Section 1 of his code that it is a time-honoured custom in his dominions.

Constitution of the Panchāyat exactly resembled *pūga*

Failing to arrive at a mutual understanding, the villagers used to refer the matter to the *patel*. He used to try his best to arrive at an amicable settlement, failing this, he would refer the case to the Panchāyat. This was a cosmopolitan body consisting of the *patel*, the *kulkarni* and all the village servants including *mahars* and *mangs*. Thus the judgment of the village Panchāyat in Babaji Javaji *vs.* Babaji Baji delivered in A.D. 1673 is signed by twenty-three *patels*, ten *chougdlas*, four goldsmiths, one carpenter, one potter, two shoemakers, six *mahars* and one *mang*.[1] Such is the case also of other Panchāyat decisions, both earlier and later, which are usually signed by the *patel*, accountant and *balutedars*.[2] It therefore follows that the Panchāyats which used to decide village disputes consisted of various castes (भिन्नजातीनां) and professions (भिन्नवृत्तीनां) residing in the village community (एकस्थाननिवासिनाम्). It was thus the exact prototype of *pūga* of the days of Yājñavalkya and Nārada; and the fact that it should have survived the shock of Mahomedan invasions and consequent anarchy in Western India clearly proves that it must have existed as a very popular institution in the preceding age in our presidency. The technical name of the Panchāyat was, however, changed by this time and it was called *gota* (गोत).

The sanction behind the Panchāyat

Having described the constitution of the Panchāyat or *gota* let us ascertain the sanction underlying its decisions. On this important point many scholars have expressed altogether erroneous views. Thus Sir Henry Maine has observed that in the almost inconceivable case of disobedience to the award of the village council, the sole punishment or the sole certain punishment

[1] *Ait. Lekh.*, xvi. 55.

[2] *Ibid.*, xv. 3, 33, 435; xvi, 53, 57.

would appear to be universal disapprobation.[1] This view still seems to be current and popular; for the revival of the Panchāyat is declared to be impracticable on the ground that public disapprobation is an inadequate sanction for the present age.

Power of State

But the fact is that the sanction behind the Panchāyat decisions was not so flimsy in the past; had it been so, the decisions would not have been carried out. The key to the success of the Panchāyat system lay in the fact that the central power used to enforce the Panchāyat decisions by the physical force of the state at its command. Hindu kings were voluntarily delegating their judicial powers to these local bodies; there was, therefore, no question of lack of physical sanction for the Panchāyat decisions. That such was actually the case in the Hindu period will appear beyond doubt from the dictum of Brihaspati who distinctly lays down that the king shall abide by and enforce the decisions of the *pūgas*, *śreṇis*, etc., because his powers are delegated to them:

Smṛiti evidence

तैः कृतं यत्स्वधर्मेण निग्रहानुग्रहं नृणाम् । तद्राज्ञाऽप्यनुमंतव्यं निसृष्टार्था हि ते स्मृताः ॥ The qualifying clause नृपेणाधिकृताः 'sanctioned by the king' which Yājñavalkya introduces to describe the local courts, shows that the Central Government always enforced the Panchāyat decisions. That these statements of Smṛitikâras are not expressions of pious wishes but observations based on actual facts, and facts which were obtaining in Western India, will appear abundantly clear when we remember that even under the Ādil Shahī of Bijapur the same state of things continued to exist. In this connection the case of Narsoji Jagdale of Masur (in Satara District) is very important and illuminating. In the reign of Ibrahim Adil Shah of Bijapur (A.D. 1512–1548) there was a dispute between this Jagdale and one Bapaji Musalman of Karad regarding the *patilki watan* of Masur. The case was first decided by the *gota* of Masur which decreed in favour of Jagdale. Being dissatified with this decision, the defendant Bapaji Musalman

Confirmed by Moslem practice in Western India

Leading case of Jagdale *vs.* Musalman

[1] Maine, *Vill. Com.*, p. 68.

appealed to the District Panchāyat at Karad which however confirmed the decision of the lower *gota*. Bapaji then went direct to the Bijapur court and complained to the Emperor that the Panchas at Karad were partial to his opponent, being their co-religionists, and, therefore, their decision should be set aside. But even this allegation of the miscarriage of justice made by his own co-religionist could not induce the Mahomedan Emperor to order a re-trial of the case at his own court. What he did was to order a re-trial of the case by the Panchāyat at *Paithan* or *Pratishṭhāna* remarking '*Pratishṭhāna* is a well known place. Cases are often referred to its Panchāyat for decision. Partiality or corruption is never suspected there.'[1] The case was accordingly transferred to the *Pratishṭhāna Panchas* who after examining the evidence confirmed the former decisions. And Ibrahim Adil Shah accepted this decision and enforced it.

Its significance

This case will make it quite clear why the Panchayāt decisions were obeyed by the people. Even under Mahomedan kings, even when Mahomedan interests were involved, even when very important rights were at stake, it was the local *gota* which used to decide the case and its decision was enforced by the ruling power, be its Moslem or Maratha, unless it was reversed by a higher Panchāyat. The procedure then laid down by the Hindu Smṛitis of the fifth century was so deep-rooted in Mahārāshṭra that even its foreign rulers were compelled to accept it. It is no wonder, then, that the Maratha Government should have followed it. Thus when the dispute about the *patilki watan* of Ravet in Poona Parganā was taken to Shahaji, the father of Shivaji, he ordered that the Panchāyat of the place concerned should decide the case.[2] Shivaji's remarks, when one Rāmāji Krishna of Sonai took his case direct to him in 1668, are very interesting and important. He said to the plaintiff :—' If you so wish, I shall send your case to your own village Panchāyat ; or I shall transfer the case to another Panchāyat if that will meet your desire, or I shall refer it to the District Panchāyat if that course recommends

Procedure the same under the Marathas

Shivaji's important remarks

[1] Cf. प्रतिष्ठान थोर जागा आहे. निवाडे होताहेत, न्यायनीति बरी होते.

[2] Raj., *Ait. Lekh.*, vol. xvi, No. 82.

itself to you. Let me know what you like.[1]' Shivaji is here obviously stating all possible alternatives and it is most remarkable that trial of the case by himself or by one of his officers is not one of the alternatives enumerated. Under Shivaji's son Rajaram, the same practice was continued; when a very important dispute involving the *watan* right to more than twenty villages was referred to him, he immediately directed the local Panchayāts to decide it.[2] Clear documentary evidence is available to show that the case under Shahu was the same.

Under Peshwas

Under the Peshwas also the old practice was continued. When a case was taken direct to a Mamlatdar, he used to see whether he could himself bring about an amicable understanding, but if not, he used to refer the case to a Panchāyat, whose decision he would usually accept, endorse, and enforce. Elphinstone states[3] that the decisions of even Rāmashāstri Prabhune and his deputies were usually mere reiterations of the decisions of the panchas to whom the cases had been referred, though their names do not appear in the decrees.

Anarchy not the source of their power

The facts mentioned above will make it quite clear that the power of the state was always behind the village Panchāyats in Wertern India. They did not owe their existence to the prevailing anarchy in the country, as Sir Henry Maine thought. His statement 'that no Government existed outside the village capable of giving authority to any other court or judge' is completely refuted by the facts cited above. Village Panchāyats flourished in Mahārāshṭra not because there was no government, but because every government that was installed in the country was deliberately referring all cases back to the village Panchāyat even if they were brought before its officers.

Maine's view wrong

[1] Cf. 'तुम्हो गोतास राजो असाल तर गोतांत पाठवू, परस्थळास राजो असाल तर परस्थलास पाठवू; अगर हमशाहो गांवाचे मोकादम व मोव्हखतसर व मौजे मजकूरचे मोकादम व बारा बलुते याशो राजो असाल तर त्यांचे गोष्टोवर मुन्सफो करू जे गोष्टो तुम्हास मानोल ते सांगणे'
Parasnis' *Nivadapatra*, p. 12ff.

[2] Raj., *Ait. Lekh.*, xv, No. 12.

[3] Elp. p. 68.

Jurisdiction practically unlimited

Having thus ascertained the sanction behind the Panchāyats, we now proceed to discuss their jurisdiction. The first thing to note is that there was no pecuniary limit to their jurisdiction. The property involved in the suit might be worth several thousand, still the local village Panchāyat and none else would try the case. This is clear from the Jagdale case about the dispute involving *watandari* right to twenty villages. The case was, as we have stated above, taken direct to Rajaram, but he immediately referred it back to the various village Gotas or Panchāyats concerned. There were however some limitations of a different kind. We have already seen how the Smṛitikâras laid down the principle of trial by peers and recommended that guilds, merchants, foresters, etc., should be tried by their own courts. The observation of this principle naturally excluded some cases from the jurisdiction of the local *gota*. This principle, recommended also by Pratapsimha[1] was usually followed by our village communities throughout the Maratha period. Thus it was the local Brāhmaṇa *sabhā* at Chākaṇa and not the local *gota* which decided the case, Murarbhat Brahme *vs.* Wasudeo Bhat Brahme in 1671.[2] The judgment in the case of Sadānanda Gosavi of Nimb (near Satara) regarding the suicide committed in the Matha by a lady, is signed only by the Dasnami Gosavis to whose fraternity Sadānanda belonged.[3] Religious disputes were invariably decided by the Śankarāchārya of Kolhapur. These limitations apart, none others existed to circumscribe the jurisdiction of the village Panchāyats. We now turn to the question of procedure.

Guild and caste cases excluded : Why

Procedure : stamp duties

Before any suit was entertained, the parties to it had to sign a *rājināma* or agreement expressing their willingness to abide by the *gota's* decision. They had also to provide securities for the payment of *Keraki* (stamp dues from the successful litigant) and *Gunhegari* (fines due from the unsuccessful one) to the Government. These together amounted to about 10 per cent. of the value of the property involved,[4] the successful litigant's share being

[1] *Pratapsimha's Code*, Section 6.
[2] Raj., *Ait. Lekh.*, xv, No. 433.
[3] Raj., *Ait. Lekh.*, xv, pp. 169, 170.
[4] *Pratapsimha's Code*, Section 23.

half of his opponent's. Many scholars have puzzled their heads to discover the reasons that induced the village Panchas to undertake the troublesome duties of their office, and none has so far satisfactorily explained them, as far as I am aware. Section 28 of Pratapsimha's Code solves the whole mystery. It says that one-fifth of the *Keraki* and *Gunhegari* shall be credited to Government to pay the bailiff and stationary expenses and the remainder shall be distributed among the Panchas by way of their remuneration. This practice in the days of Pratapsimha must have been a time-honoured one, as most of the remaining ones are shown to be ; so we may well conclude that the task of the members of the Panchāyat, who actually undertook the adjudication business, was by no means a wholly thankless one.

Panchas given an allowance

If the defendant or his witnesses were refractory, Government could compel their attendence. The reference to bailiff expenses in the code of Pratapsimha shows this quite clearly ; this was the case even under the old Hindu kings ; for Śukra,[1] Brihaspati[2] and Nārada[3] lay down minute rules about the issue of summons and arrest. Apart, however, from this possibility of physical compulsion, there was one other important consideration quite sufficient to induce the defendant to attend, and that was the rule that, if a defendant avoided presenting himself at a trial, the case was to be adjudged against him. Yājñavalkya lays down this rule,[4] and the fact that it was actually followed in practice in Western India is proved by its being quoted as authority in the judgment of the case of Dasoba Gosavi *vs.* Sarvajña Gosavi ; this judgment was delivered in A.D. 1695 and decided the case against Sarvajña Gosavi on the ground that he would not present himself at the trial.[5] This is one more proof to show that the rules in Nārada, Śukra and Yājñavalkya *smritis* were positive laws based upon the actual practice of the time and followed in Western India down to the British period.

Defendant compelled to attend

Ex parte decision

[1] iv. 5, 184, 201.   [2] i. 8.   [3] i. 47.

[4] अन्यवादो क्रियाद्वेषो नोपस्थाता निरुत्तरः ।
आहूतः प्रपलायी च हीनःपंचविधः स्मृतः ii. 30.

[5] *B.I.S.M.*, vol. iii.

Actual trial

To proceed to the actual trial, we find that it was more or less an informal affair. The opinion of the wiser and more influential members gradually prevailed. It does not seem that all the *balutedars* and *patels* and accountants were present throughout the trial; the actual trial must have been conducted by the wise and influential members of the locality. The decision which they arrived at was endorsed and attested to by the remaining members of the Panchāyat. Such at any rate was the practice under the Peshwas when the Panchāyat used to consist of three or five persons selected with the joint consent of the parties.

Records kept in writing

Metcalfe and Elphinstone have observed that no written records were kept of the Panchāyat decisions. The numerous plaints, *darkhasts*, judgments and decrees belonging to the Maratha period that have been discovered and published in the Deccan render their theory altogether untenable. Nārada observes that a writer was a necessary factor of a Sabhā, and Vishṇu, Śukra and Brihaspati concur with him. So we may well conclude that even in the Hindu age (B.C. 300 to 1300 A.D.) the procedure was in writing, at least so far as the material parts of trial and evidence were concerned.

The usual meeting place for the Panchāyat was the local temple; the religious awe it inspired among the inhabitants was very useful in ascertaining the truth. Sometimes, if a holy place was nearby, the Panchas and the parties used to assemble there. Even a king would prefer a *tīrtha* or holy place to his grand and comfortable court hall: thus when King Shahu took up the case of Supe Watan for decision, he ordered the parties and the Panchas to assemble at Māhuli, a holy place three miles from Satara, and not at his court in the capital. Then again the formalities and oaths which a witness had to take were such as to strike terror in a religious mind. The witness had to bathe, come before the village God with drenched garments, touch the foreheads of his wife and children, and then take an oath[1] which was quite sufficient to stifle in that

[1] We give one sample here :—श्रीदेवाचे शिळेवर उभे राहणे; तुम्हास गोहत्या ब्रह्महत्या असेतो व गुरुद्रोहो, मातागमन सुरापान, तुमचे पूर्वज

God-fearing age any tendency to tell a lie. Truth therefore was usually discovered ; the cases were tried locally, most of the villagers knew the true nature of the dispute, and it was really very difficult to tell a lie in the face of neighbours and elders. People moreover were remarkably truthful, a fact which is attested to by Megasthenes, Hiuen Tsang and Marco Polo.[1]

Ordeals

In connection with the rules of evidence, we should like to make one more observation, viz. ordeals were resorted to only when there was no alternative way to ascertain the truth. There are numerous cases recorded in Maratha papers where the defendant's request to make the plantiff undergo an ordeal was refused on the ground that human evidence being available, resort to an ordeal was out of the question. Here our Panchāyats are seen following the rule of Yājñavalkya[2] that an ordeal may be permitted only when documentary or oral evidence is not forthcoming.[3]

स्वर्गीं वाट पाहात आहेत कीं पुत्र सत्य वदोन उद्धार करील किंवा खोटे बोलोन नरकीं बुडवील, धर्मे आपला पिता उद्धरिला, श्रीरघुनाथें पित्याची भाक सत्य केली, तैसा तुम्ही आपल्या पूर्वजांचा उद्धार करून सत्य वदोन नेमस्त करून हरदोजणांचे वडिलपण ते लिहोन पाठीवणे Raj., *Ait. Lekh.*, xvii, No. 7.

[1] Marco Polo's testimony which is applicable to Western India is quoted here. Of Gujarati merchants he says : 'They are the most honourable merchants that can be found. No consideration whatever can induce them to speak an untruth even though their lives should depend on it. When any foreign merchant unacquainted with the usages of the country introduces himself to one of these and commits to his hand the care of his adventure, this Brahmin undertakes the management of it, disposes of the goods and renders a faithful account of the proceeds, attending scrupulously to the interest of the stranger and not demanding any recompense for the trouble, should the owner uncourteously omit to make him the gratuitous offer.' *Marco Polo's Travels* (Wright's edition), p. 401.

[2] प्रमाणं लिखितं भुक्तिः साक्षिणश्चेति कीर्तितम् ।
एषामन्यतमाभावे दिव्यान्यतममुच्यते ॥ ii. 22.

[3] It may be here noted that this method of having a resort to ordeals only when there was no other alternative was not followed in Southern India during the contemporary period. For, after an analysis of Mysore and Coorg inscriptions, Lewis Rice concludes ' Of judicial procedure there is very little sign ; disputes were often decided by ordeals.' From the remarks he makes on pp. 176–7 of his book it seems clear that ordeals were quite unnecessarily resorted to in Mysore and Coorg during the period 1020 to 1720.

Appeals and transfers

Two minor points in connection with procedure remain to be considered, and these are appeals and transfers. The case of Narsoji Jagdale of Masur, to which we have already referred, shows how an appeal lay against the decision of the village Panchāyat to the Pargana or District Panchāyat. A second appeal was allowed only in exceptional cases when, for example, the integrity of the lower courts was challenged, and it was usually heard by a royal officer. Shivaji's statement to Rāmāji Krishna, quoted already, shows how cases were occasionally transferred from one Panchāyat to another. There are actual records of such transfers when a written order to try the case was given by the Central Government to the Panchāyat of the place where the case was transferred. Such a writ was called a *Sthalapatra.*

The above picture of administration of village justice holds good of both the Karnatak and Mahārāshṭra. It is true that most of the evidence relied upon is drawn from Mahārāshṭra; but things were not much different in the Karnatak. That province was included in what the Marathas called their *Swarājya* or home province and its administration was governed by similar principles. We have also seen how decision by Panchāyat was regarded as the most ordinary method even by the Mahomedan emperors at Bijapur.

Justice in Gujarat

The case of Gujarat, however, was different. That province was for full four centuries under stable Moslem administration. But it was different with Mahārāshṭra and the Karnatak: the Moslem control over Mahārāshṭra was more or less nominal, and though a Moslem power was ruling at Bijapur for two hundred years, the Karnatak was not much affected; for the Adil Shahi administration was saturated through and through by the Maratha influence.[1]

Under Mahomedans

In Gujarat, however, the Moslem rule was intolerant and well grounded and its influence on the village communities was considerable. The judicial functions of the village communities were considerably affected owing to the establishment of regular courts and non-recognition by the state of the village Panchāyats. Under the

[1] *Rise of the Maratha Power*, pp. 26-34. *Oxford History of India*, pp. 292-6.

Moslem rule, in every town there was a Quazi to try the cases of Mahomedans, and a Sadr, those of non-Mahomedans. Appeals against their decisions were entertained by the Quazi and Sadr at the *subhā*; as a last resort the Ahmadabad decisions were subject to an appeal to the Kazi-u-Kuzzat and Sadr-us-Sadūr at Delhi.[1] No reference is made here to the village disputes; but we cannot be far wrong if we infer that some of the villagers must have preferred to get their cases decided by the regular courts of the power of the land, chiefly because the requisite sanction was lacking to the Panchāyat decision. In Mahārāshṭra, we have seen that there was no other court at all; even Moslem rulers were not entertaining cases independently of the village courts, and so the Panchāyats prospered there. These circumstances were absent in Mahomedan Gujarat where Hindu tradition could not influence Government ideals, and that fact must have told upon their efficiency.

Under Marathas

Nor were things much improved with the fall of the Moslem power; for the Marathas who became the next rulers of the province did not find the requisite leisure and opportunity to establish stable administration. Of course, Panchāyat system was revived, but it did not become such an efficient instrument there as in the Deccan. The Kamāvisdar or Taluka officer who used to grant the Panchāyat would demand 25 per cent. as his commission and the successful party, being better able to pay the sum, was held responsible for its payment. This was not the best atmosphere for the successful working of the system. As a natural result we find that at the advent of the British rule the Panchāyats in Gujarat were not so strong and powerful as those in the Deccan.[2]

Panchāyats disappear under British rule

With the advent of the British rule, the village Panchāyats ceased to exist and function even in the Deccan. This phenomenon has been attempted to be explained by Maine and his followers on the ground that the Panchāyats owed their existence to the prevailing anarchy in the country, there being no Government outside the village capable to give authority to any other court. It is already shown (pp. 43, 44) how this view is altogether untenable. The Panchāyats ceased to function because

[1] *B. G.*, i, pp. 1, 213.

[2] *Rise of the Maratha Power*, p. 22.

British Government did not delegate its judicial powers to them. It would not, like Shivaji, or Ibrahim Adilshah, refer every disputant back to the Panchāyat of his village ; it set up its own courts and appointed its own officers with authority to entertain all suits. And what was still worse, it would not enforce the decisions arrived at by the local Panchāyat courts. When people discovered that power of the state was behind the newly-established tribunals, they naturally abandoned their old courts and resorted to the new ones. The failure of the conciliation courts under the Deccan Agricultural Relief Act, which were tried about twelve years ago in the Deccan, was due to the same reason. Every litigant under the Deccan Agricultural Relief Act was compelled no doubt to refer his case to the conciliator before he was allowed to file his suit in the regular law courts ; but both parties knew that the conciliator could not give the final decree, that either of them was at liberty to reject his award ; so it was soon discovered that conciliators could achieve nothing and their courts were abolished. Here again the cause of failure was the same ; the state would not enforce the decisions as final unless reversed by a higher authority.

The revival of the village court is intimately connected with the revival of the village council, and the conditions necessary for both will be found discussed in the last section of the concluding chapter.

CHAPTER IV

DEFENCE AND SAFETY

Introduction

PROTECTION of person and property is the most indispensable function of the state in any civilized community. The state may be called upon to discharge this function either when there are private internal disputes or when there are open external attacks. We have seen in the last chapter what arrangement was made by our village communities to meet the former contingency; we shall discuss here the precautions taken to meet the latter.

The local militia under the headman

We have already seen in our first chapter how the headman was from the early Vedic times the protector of the village communities. *Pāṇiya Jātaka*, we have seen, represents the village communities as largely self-reliant in the matter of the village defence and such continued to be the case even under the Mauryas. For the *Arthasāstra* states that while colonizing new tracts of territory, an endeavour should be made to make the villages able to defend themselves, if necessary, with mutual help.[1] Such must have been the case with regard to our village communities; for, they were being founded at about this time. A new forest-covered country had to be occupied, cultivated and developed; it is therefore but natural that every village unit should be so organized as to be able to defend itself. We have already seen how this inference is justified by a verse in the *Saptaśati* where we read of a 'grāmaṇī' leading an expedition against Vindhya freebooters who were probably threatening the village peace.[2] That this martial spirit continued to animate the villagers of the Deccan during the Chālukya and Rāshṭrakūṭa

[1] शूद्रकर्षकप्रायं............ग्रामं क्रोशद्विक्रोशसीमानं अन्योन्यारक्षं निवेशयेत् । II, 1.

[2] विञ्झया रुहणालावं पल्ली मा कुणउ ग्रामणी समइ । VII, 31, etc.

periods will appear evident from the testimony of Hiuen Tsang, who when talking of the people of Mahārāshṭra says: 'The disposition of the people is honest and simple; they are of a tall stature and of a stern, vindictive character. To their benefactors they are grateful, to their enemies they are relentless. If they are insulted, they will risk their lives to avenge themselves. . . . If they are going to seek revenge they first give their enemies a warning, then each being armed, they attack each other with lances.'[1] We can therefore well believe that our village communities which consisted of such a sturdy material could not have been much perturbed to hear of the advent of a marauding band in the neighbourhood of their hearths and homes. On such occasions of public danger, the brave villagers would unite together and offer a stubborn resistance to the freebooters. And those who laid down their lives in such skirmishes were immortalized by the villagers by the erection of suitable memorials. Inscriptional evidence supports our statements; the Hattimallur inscription (in Dharwar District) of Krishṇa I, dated A.D. 765 records the deaths of two village warriors in defence of their village; another inscription of the same place but of the time of Dhruva I, records the villagers' tribute to the memory of Dommarakandya who laid down his life on the occasion of a cattle raid.[2]

Help from the Central Government

This local militia was usually supplemented by the police and military forces of the Central Government. There is a general belief that during the Hindu rule, the Central Government used to neglect altogether the defence of the villages in the interior of their dominions. There is, however, clear evidence to show that though the villagers were expected to be more self-reliant than they are at present, they were not entirely thrown on their own resources for the defence of their hearths and homes. The help of the Central Government was also forthcoming as the need arose. Nice arrangements were made about the policing and garrisoning of the interior under the Mauryas.[3] Manu recommends that police stations should be established for

[1] Beal, ii, p. 256. [2] *Ep. Ind.*, vi, p. 163.

[3] तेषामन्तराणि वागरिकशलिंदचंडालारण्यचराः रक्षेयुः । ii, ch. i.

every two, three or five villages according to circumstances;[1] and there is ample evidence to show that this recommendation was actually followed in practice by Chālukya, Valabhi, Rāshṭrakūṭa and Śilāhāra rulers of Western India. For, most of the village grants of these monarchs contain an exhortation that the villages granted away are not to be entered into by regular or irregular troops. The precise significance of this expression 'achāṭabhaṭapraveśyah' will be understood only when we remember that in ancient times, when troops or sepoys were required for any purely local purpose, the inhabitants of the locality had to pay for their help. What the grants then signify by the expression in question is that villages mentioned in the grants were exempted from this liability. It therefore follows that the visits of such regular and irregular troops must have been frequent enough for the purpose of detection of crime or the chastisement of robbers. Irregular troops mentioned in the inscriptions were recruited from the wild tribes and foresters who seem to have been always engaged by the Deccan kings, probably because the robbers and freebooters themselves came from their class.

In the period that followed the break up and overthrow of the Hindu kingdoms in Western India, there was naturally a good deal of confusion and anarchy; and in this period the village communities seem to have been entirely thrown on their own resources. Mr. Rajwade observes that about 25 per cent of the old villages in the Deccan are now deserted; and this took place during this period. The withdrawal of the protection of the Central Government did not however make our village communities despondent; they promptly adopted some additional measures of self-protection. Services of the chieftains of the plundering robbers were engaged for the village defence and the agreement with them often included a clause to restore the stolen property. This was obvious blackmailing but it afforded considerable safety. Another measure adopted was the repairing and strengthening of the village walls and fortifications. This practice existed in the days of Chāṇakya, for his *Arthaśāstra* lays down that around every village at a distance of 800 *angulas*, an

Agreements with robbers

[1] द्वयोस्त्रयाणां पंचानां मध्ये गुल्ममधिष्ठितम् ।
तथा ग्रामशतानां च कुर्याद्राष्ट्रस्य संग्रहम् ॥ vii. 114.

enclosure with timber posts shall be made.[1] Hiuen Tsang observes of most of the towns in Gujarat, Kathiawar and Mahārāshṭra that they were walled and fortified, and this might have been probably the case also of the contemporary villages. What was true under the Chālukyas may also be true under the Rāshṭrakūṭas, though we have no direct historic evidence to support the conjecture. Village walls however became a common feature during the Moslem period and no wonder; for in the matter of maintaining order, the Mogul Government was weakest and least capable of improvement with time. It no doubt undertook to defend the community from foreign invasion and internal revolt and to protect life and property in the cities by its own agents; but the policing of the vast local areas was left to the localities themselves.[2] The natural consequence of such circumstances was the revival of the village wall. In the Maratha period also, the village wall was a common feature in our Western Indian communities, for, whenever a reference is made to the village life in the popular songs of the period, village gates and ramparts are invariably referred to.[3] This continued to be the case down to the British period; nay, the village wall has disappeared only within living memory.

Fortifications of walls

These arrangements for external defence were intended to afford protection only against gangs of robbers and freebooters. The protection that they could afford in the event of a general war was bound to be inadequate. It would be convenient here to consider the effects of such general wars and consequent changes of dynasties on the fate of our village communities.

Wartime conditions

Megasthenes notes that wars in India did not affect the village life owing to the chivalrous methods of warfare obtaining in the country. It may then be concluded that the rules of tradition described in detail in Manu vii. 90ff were

Did wars affect the communities?

[1] स्तंभैः समन्ततो ग्रामाद्धनुःशतापकृष्टं उपशालं कारयेत् । III, 10.

[2] Sarkar, *Mogul Administration*, p. 8.

[3] Cf. for example माझा खेळ मांडिला वेशीच्या द्वारी ।
पारवळ घुमते बुरुजावरी । in the '*Bhondla*' songs.

actually practised in the Maurya and Āndhra periods. In Western India, after the Āndhra-Kshatrap period, there were not frequent changes of dynasties. The period of two centuries and a half that followed the fall of the Āndhras is a blank in the history of the greater part of the Deccan; so we do not know whether there was or was not a constant warfare going on in the country at that time. But subsequent to this dark period, dynastic changes did not take place very frequently in the Deccan. The Gurjars, the Valabhis, the Chālukyas, the Rāshṭrukūṭas, the later Chālukyas, the Yādavas and the Śilāhāras ruled their dominions in Western India, each for about two centuries. The regular gradation of officers, the mention of police and detective authorities and of taxation agencies make it quite clear that the administration of these dynasties was strong, stable, and well organized; there was no internal warfare going on, and the external feuds between the contemporary dynasties were not very frequent. So we may well conclude that throughout the Hindu period, our village communities were not much affected by the changes of dynasties that then took place. There is no evidence whatever to show that village communities were frequently changing masters during the rule of one dynasty owing to the quarrels and feuds of subordinate chieftains.

Not in the Hindu period

At the advent of the Mahomedan rule, a change took place and took place for the worse. The Mahomedan warfare was conducted on principles that were almost savage; and their Maratha opponents in Western India were not slow to pay the invaders back in their own coin. As a result, the life of village communities was very seriously affected. For several centuries, Khandesh, Nasik and Ahmadnagar were changing masters with alarming rapidity; and as a natural result of the ruthless warfare, many villages were again and again sacked and destroyed. Even in the heart of Mahārāshṭra, things were not much different; for, the Maratha papers show that here too the communities were often receiving rude shocks. It is true, as Metcalfe observes,[1] that as soon as the storm was over, the villagers used to return,

Mahomedan warfare arrests development

[1] Quoted in *B.P.L.S.*, i. 170

rebuild their houses and resume their occupations. But these tribulations, the serious material loss they involved, and the still more serious mental depression they produced, arrested the natural development of the village communities. But for these misfortunes, they would have developed old institutions and founded new ones which would have excited the envy and admiration of the modern age.

We shall now briefly notice the police arrangements. And here for the sake of variety we shall reverse our usual procedure, describe at the outset the arrangements as they existed at the advent of the British rule and try to trace their history in the past and development in the future.

Internal defence

The headman was in charge of the police arrangements, but the actual duty of watch and ward was entrusted to a watchman, a person usually of low extraction. 'His duties,' says Elphinstone, 'are to keep watch at night and to find out all arrivals and departures, observe all strangers and report all suspicious persons to the Patel. The watchman is likewise bound to know the character of each man in the village, and, in the event of theft being committed within the village bounds, it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observation as well as by the nature of his allowance, which being partly a small share of grain and similar property belonging to each house, he is kept always on the watch for ascertaining his fees and always in motion to collect them.'[1] If a theft or robbery was committed, he had either to detect the culprit, or to trace his footsteps to a neighbouring village; otherwise he was compelled to make up the loss caused by the theft. His liability was of course limited by his means and it was based on a shrewd suspicion that he himself might be the thief or in league with him. If the watchman refused to pay, his grainshare at the harvest time was cut off, his land was transferred to his nearest relation or he was fined, imprisoned and given severe corporal punishment. If it was found impossible or impracticable to make up the loss by exacting the whole sum from the watchman, the remainder was levied on the village as a whole.

Watchman's duties in Peshwa times

[1] Elph., p. 4.

Under British Government

This arrangement described by Elphinstone as prevailing in the Deccan was also in vogue in Kathiawar [1] and Karnatak [2] and has been continued with slight changes under the British rule. The principle of communal liability has been now abandoned throughout the Bombay Presidency ; it is enforced on very rare occasions in some backward tracts of the Punjab and Burma. In all other respects, the old arrangement has been continued and no wonder. The usefulness of the system is attested to by British administrators on many occasions ; for instance, the Bombay Administration Report, 1882–3, says: 'The actual importance of the village police cannot for a moment be overlooked. Without the aid of the village police not a single offence could be traced out. They are the real backbone of the detective police. They know all that is going on and know everyone in the village.'

Government liability immemorial

Let us now see the past history of this arrangement. Its distinguishing feature was that the guardians of the village were to be held responsible for the results of non-feasance or misfeasance of their duties ; and that they were to compensate the party injured through the imperfect performance of their duties. Elphinstone says that the watchman, and if necessary the village, was saddled with the responsibility of compensation ; but in earlier days, it appears quite clearly, that the headman, other Government police officers and ultimately the Government itself were required to compensate the party aggrieved. Thus Vishṇu lays down : 'If the king has been unable to recover stolen goods, he must pay their value out of his treasury.' [3] Nārada concurs with Vishṇu.[4] That these were not pious wishes of the Smṛitikars but actual facts in real polity will be clear from the endorsement they receive from the *Arthaśāstra* of Chāṇakya. Now Chāṇakya, it will be admitted on all hands, was the last person to recognize any responsibility that would deplete the treasury ; but even he says, 'When any part of merchandise has

[1] *Kathiawar Gazetteer*, p. 171.
[2] See the various *Karnatak District Gazetteers*.
[3] iii. 67.
[4] *Pariśistha*, 17, 18. Cf. also आपस्तंब II, 10, 26, 8 गौतम

been lost or stolen, the headman of the village shall make up the loss. Whatever merchandise is stolen or lost in the intervening places between any two villages, shall the superintendent of the pasture make good. If there is no pasture land, then the officer called chorarajjuka shall make it good. Failing him, the boundary and neighbouring villages shall make up the loss, and if the property cannot be ultimately traced, the king shall make up the loss out of his own treasury.'[1] When Chāṇakya accepts such principles, we may confidently aver that they were recognized all over India in the olden days.

Principle not iniquitous in the past

This principle of official and communal responsibility was then a peculiar feature of our communities ever since the earliest times. The principle may now appear unjust and iniquitous; but in the old days of simplicity and honesty, it did not work iniquitously. There were no railways and telegraphs; each village community was an isolated unit, the villagers were usually honest and so theft was generally committed by outsiders whose arrival and whereabouts the watchman was bound to know and watch; nor could a thief bolt away in no time to a distant place as can be the case now. With due vigilance, it was possible to detect him, and the possibility of the communal liability being enforced secured a willing co-operation of all the villagers. The principle then was well suited to old days and we may passingly observe that it was enforced even in England in the days of King Alfred.[2]

Central Police Department, B.C. 300-1300 A.D.

In the Hindu period, the village police arrangement was usually supplemented by the police department of the Central Government. We have already seen how regular police officers were appointed under the Mauryas, and similar was the case under the Valabhis, Gurjars, Chālukyas, and Rāshṭrakūṭas. For, many of the village grants of the kings of these dynasties

[1] मुषितं प्रवासितं चैषां ग्रामस्वामी दद्यात् । ग्रामान्तेरषु वा मुषितं प्रवासितं विवीताध्यक्षो दद्यात् । ......चोरहृतमविद्यमानं स्वद्रव्येभ्यो राजा प्रयच्छेत् । Bk. IV, ch. 13.

[2] Elph., p. 49.

mention[1] officers called 'choroddharaṇikas' and 'Daṇḍapāśikas' who were obviously, as their names clearly show, police and detective officers appointed to arrest and chastize robbers and desperate characters.

Under the Moslems in Gujarat and the Marathas in the Deccan

In the Mahomedan period however, this help from Central Government began to become irregular. We have already seen how the Moslem administration practically used to leave the villagers to take care of themselves. Some kind of arrangement was made in Gujarat by the establishment of some police posts in each district, their number varying according to the character of the people;[2] but the arrangement did not work well. The Deccan communities however did not receive even this help during the Mahomedan times. Things however soon improved with the establishment of Swarājya under Shivāji and his successors who revived the old practice of appointing police officers for a group of villages. Under the Peshwas even detective officers called Tapāsnavis were regularly appointed.[3] Such then is in brief, the history of the defence and safety arrangements of our village communities.

[1] सर्वानेव स्वान्महासामन्तसेनापतिबलाधिकृत-चोरोद्धरणिकभोगिक ...... दीन् आज्ञापयति, in Antroli Charoli grant of Karkaraya A.D. 751 द्रांगिक-शौकिक्तचौरोद्धरणिक........in Valabhi grant of Śilāditya I, A.D. 615 . . . ध्रुवस्थानाधिकरदंडपाशिक.....Valabhi plate of Dharasena I, A.D. 526 and Ganeshgada plate of Dhruvasana I, etc.

[2] *B.G.*, i. 1, p. 210.

[3] *Imp. Gaz.*, viii, p. 370.

CHAPTER V

TAXATION AND VILLAGE FUNDS

Introduction

HAVING so far examined the history of the officials, institutions and arrangements in our village communities with regard to the discharge of primary Government duties, it is but proper that we should now undertake the question of Government dues. We therefore propose to discuss in this chapter the question of village taxation, its incidence, and its division between the Central and Local Government.

Land revenue: Antiquity

Since very early times, land revenue has been the principal source of revenue in India. We need not here trace its history in prehistoric times as we are principally concerned with Western India; suffice it to say that the tax existed several centuries before the days of Chāṇakya. In Western India then, ever since the foundation of our village communities during the fifth and fourth centuries B.C. the tax has been in existence; some exemptions and concessions were granted at the beginning when the village communities were being first established in a hitherto untilled and uninhabited land,[1] but these concessions were only for a limited number of years, at the end of which the land was taxed according to the usual principles.

Originally in kind

For a long time the tax was collected in kind. From the data supplied by the *Jātakās*, Rhys-Davids concludes[2] that grain crops were in the *Jātakā* period massed in a public granary for the exercise of the king's tithe prior to their removal to private barns. The same was the condition under the Mauryas, for Chāṇakya lays down a fine of fifty-three paṇas for an unauthorized removal of corn from fields.[3] Public granaries existed in every village, they are referred to in the *Jātakās*,[4] and mentioned in the *Arthasāstra*.[5] For central granaries officers known as Kośṭhādhikaris were appointed; the village granary was in

[1] *Arthaśastra*, Bk. II, Ch. i. [2] *J.R.A.S.*, 1901, p. 859.

[3] क्षेत्रेभ्यः सर्वसस्यादाने त्रिपंचाशत्पणो दंडः । ii. 22.

[4] *J.R.A.S.*, 1901, p. 861. [5] i. 15.

charge of the Accountant; for one of his duties, as mentioned by Śukra,[1] is to deliver and receive goods only after entering an acknowledgement thereof. Payment continued to be in kind under the Valabhis, Chālukyas, Rāshṭrakūṭas and Yādavas; their grants distinctly refer to a grainshare in kind: cf. the expression sadhānyahiraṇyādeyah. There can however be no room for doubt on the point, for the revenue in grain continued to be the order of the day even under the Mahomedans for a long time.

Cash payment since 1650

Todar Mall, the Revenue Member of Akbar, was the first to introduce the cash payment system. In the Deccan, however, the old system continued for half a century more; cash payments were introduced there only under Shah Jahan.[2]

As regards the manner of collection, the tax has been in western India always taken from the individual peasant proprietor. While dealing with Land Tenures (chapter VI), we shall show how the rayatwari system has been from the earliest times, the order of the day in Western India; naturally therefore there was no middleman. Even the Mahomedan rulers did not, in the Deccan, introduce the Zemindari system; under the Bahamani rule, the Aumils or revenue officers continued to collect the village revenues from the village headman,[3] who, with the assistance of the Accountant, used to gather it from each tenant. The Mahomedans introduced the farming system only at the time of the commencement of the decline of their power, and before this decline commenced the larger part of Western India was already freed from their rule.

Its percentage varying

The amount of tax collected from each cultivator was never fixed; it varied with the needs, nature and inclination of Government. Manu recommends a levy of 16 per cent; but the statement of Śukra that a king should exact the proportion laid down by Manu only in times of stress seems to show that the usual percentage was less than 16. On the other hand, it is clear from the *Arthaśāstra* that the tax levied under the Mauryas was more than 25 per cent.[4]

The available evidence being scanty, it is not possible to find out the percentage that was charged by the various Hindu Governments that flourished in Western India.

[1] ii. 703.
[2] *B.P.L.S.*, iii, p. 204ff.
[3] Grant Duff, i. 35ff.
[4] Chap. v, section 2.

Other taxes payable in the past

The Land Revenue and the Local Fund apart, the villager has not, under the British administration, to pay any other direct taxes. Such was not however the case in the past; for, the Smṛitikāras mention several other taxes that were imposed upon the villagers. Thus Manu refers to a 16 per cent duty on ghee, drugs, honey, flesh, flowers and vegetables,[1] etc., a 2 per cent property tax on cattle, gold,[2] etc., a special tax on merchants and so on; [3] and other Smṛitikāras concur with him. That these recommendations of the Smṛitikāras were actually followed in practice becomes clear from the *Arthaśāstra* and Western India inscriptions. From the former treatise it appears that the villagers had to pay octroi duties, bazar dues, property taxes on cattle, goats and horses, etc. There was also a ferry tax and a 16 per cent duty on flowers, fruits, vegetables, seeds, fish, flesh,[4] etc.

Our inscriptions also mention most of these taxes. The expression 'sakarukaro sadeyameyo' occurring in the village grant recorded in Karli, No. 14, clearly shows that the villagers had to pay under the Āndhras and Kshatraps some taxes apart from the land revenue. Most of the inscriptional village grants, whether made by the Valabhis, or Chālukyas, or Rāshṭrakūṭas or Yādavas, contain the expressions 'sodraṅgah soparikarah'; the precise import of these expressions still remains to be ascertained; but it is generally admitted that they refer to some taxes different from and in addition to the land revenue. And

1 आददीताथ षड्भागं द्रुमांसमधुसर्पिषाम् ।
गंधौषधिरसानां च पुष्पमूलफलस्य च । vii. 131.
पत्रशाकतृणानां च चर्मणां वैदलस्य च ।
मृण्मयानां च भांडानां सर्वस्याश्ममयस्य च । vii. 132.

2 पंचाशद्भाग आदेयो राजा पशुहिरण्ययोः । etc. vii. 130.

3 क्रयविक्रयमध्वानं भक्तं च सपरिव्ययम् ।
योगक्षेमं च संप्रेक्ष्य वणिजो दापयेत्करान् । vii. 127.

4 पुष्पफलशाकमूलकंदपल्लिक्यबीजशुष्कमत्स्यमांसानां षड्भागं गृह्णीयात् । etc. II, 22.

the statements in some of the inscriptions make it quite clear that these additional taxes were based upon principles laid down in the Smṛitis.

Examples

Thus the Chammak copper plate grant makes it quite clear that the tax on cows and bulls, and flowers and milk mentioned in the Smṛitis was actually levied in Berar during the sixth century;[1] the case with the Karnatak was the same during the thirteenth century as appears from the Behatti inscription of Krishṇa (śaka 1175).[2] Octroi duties are mentioned in the Aihole inscription of Vijayāditya Satyāśraya[3] and the Kolhapur Varuṇatīrtha inscription of King Ramdeo Rao Yādava dated A.D. 1272.[4] Nalgund and Shirur inscriptions of Amoghavarsha (Dharwar District) mention a tax on ghee which is assigned to the local temple. The Añjaneri Jain inscription of the Yādava King Seuṇachandra III conclusively proves the existence of a shop tax.[5]

Some strange taxes

We may, therefore, conclude that many of the petty taxes mentioned in the Smṛitis were actually levied in the villages in Western India throughout the Hindu period. Nay, there were even some others levied in certain localities which would appear in the modern age to be very strange indeed. Thus the Belgamve inscription of Vinayāditya, dated A.D. 680, records how one Kandarva, on being appointed the District Officer, remitted the tax collected at the festivity of attaining puberty and the duty leviable in the case of a man dying without a son.[6] A 'tax

[1] अपरंपारगोबलीवर्दः अपुष्पक्षीरसंदोहः । etc. Fleet: Gupta Inscriptions, p. 238.

[2] वरोक्षवरमहिषोप्रसभक्रयविक्रयादिसर्वदोषवर्जितम् । J.B.B.R.A.S. IV, p. 48.

[3] *Ind. Ant.*, vol. viii, p. 280. [4] *Kolhapoor*, p. 327.

[5] सेउणचन्द्राख्येन महानृपेण प्रधानयुक्तेन विचार्य भक्त्या देवाय चन्द्रप्रभुतये प्रदत्तं हट्टद्वयं भारवर्जितं च श्रीसाधुवत्सराजेन स्वकुलतिलकभूतेन स्वकीयं हट्टदानं कृतं । *Note*:—In the latter case the grantor is not the king, so he could not give the shop tax free as the king Seuṇachandra could do. *Ind. Ant.*, xii, p. 127.

[6] *Ind. Ant.*, vol. xix, p. 145.

on persons not blessed with a son' is mentioned in the Shindoorli (Kagal State S.M.C.) inscription of Simhaṇadeva, dated A.D. 1277.[1] We should therefore have no hesitation in asserting that most of the taxes referred to in the northern Smṛitis were actually levied in the village communities of Western India.

Labour tax

Apart from these taxes in kind, taxes in labour were also levied. 'Vishṭi' or forced labour is recommended by all the Smṛitis and mentioned by most of the Western India plates and inscriptions which assign the right to exact it to the grantee of the village gifted away.

Moslem times

As little is known about the fiscal administration of the Mahomedans, it is difficult to surmise the state of things in the pre-Shivāji days. Probably some of these taxes were collected, though it is very doubtful whether they ever reached the Central Treasury.

Maratha times

Under the Marathas, Saudir Warrid Pattee formed a regular item in the village taxation. It was a duty in addition to and apart from the land revenue and amounted to about 15 per cent thereof. Its constituents, as mentioned by Elphinstone,[2] were as follows:—

Taxes mentioned by Elphinstone and the old village records

(1) Dukul Pattee (this was a 10 per cent duty on the Inamdars.) (2) Miras Pattee (This was a similar charge on the Mirasdars.) (3) Mohterfa. (This was a tax on shop-keepers.) (4) House Tax. (5) Marriage tax. (6) Buffalo tax, etc.

Most of the taxes mentioned by Elphinstone were levied in villages, for, they appear in the village accounts of the Maratha period. Thus on the credit side of the village accounts for the year 1770 of the village Jategaon Budruk appear the following entries[3] :—

	RS	A	P
(1) Land and other taxes	1,931	11	0
(2) Begari tax	29	0	0
(3) Contributions to the Darbar ...	60	0	0
(4) Berad (?)	5	0	0
(5) Adansura or the tax on traders ...	43	0	0

[1] *Kolhapoor*, p. 333. [2] Elph., p. 29
[3] Dr. Mann, *Land and Labour in a Deccan Village*, vol. ii, p. 36, 37.

British times

The British Government discontinued these taxes, probably because it was a very tedious and troublesome task to collect them. Some of these, however, still exist in some parts of Western India, especially in Native States. The British Government however soon re-introduced the old Saudir Warrid Pattee in a new and consolidated form, namely the Local Fund.

Appropriation of taxes

Having so far dealt with the history of village taxation, we now proceed to inquire into the appropriation of the proceeds. Our inquiry here will be mainly confined to the question: What part of the revenues raised in the village was sent to the Central Government, and what part was reserved for local village expenses. At present, no portion of the taxes collected in a village is credited to the account of the village to be spent by the villagers for the general village needs; was such the case in the past as well?

Difficulties of the task

This part of our inquiry is beset with serious difficulties. Prof. B. K. Sarkar is compelled to observe,[1] 'the heads of the income do not seem to have been classified and specially earmarked as local and national'. Dr. Mookerji while dealing with the sources of the income of ancient corporations contents himself by enumerating the sources of income of partnership firms and town corporations, but leaves the question of the village communities altogether unconsidered.[2]

We have to confine our attention to Western India; so the valuable evidence of the Chola Inscriptions is not of much use to us. We have already shown how that type of the village council which was existing in the south was not existing in Western India; so it would not be very safe to apply *mutatis mutandis* to Western India the conclusions based on the Chola evidence. We must make an independent inquiry.

Villages received back a part

From an analysis of the available evidence, it clearly appears that in the pre-British days, ever since the earliest times, there was a regular village fund, made up by a contribution of part of the total taxes collected in the village. But whether a lump sum was assigned or whether particular taxes were

[1] *Political Institutions and Theories, etc.*, p. 112.
[2] *Local Self-Government*, p. 251.

'localized', we do not know. Probably both these practices were in vogue. Thus in the Maurya period, some taxes were clearly reserved for local purposes. For instance, the fine levied on a workman [1] who refused to work according to the contract was credited to the account of the village. It is but natural to suppose that some such fines and dues must have been specified for local purposes. From *Śukranīti*, on the other hand, it appears that the custom of allowing a certain percentage on the gross village revenues for local purposes was also in vogue in other places and times. Śukra states that the village revenues were to be thus apportioned.[2]

Testimony of Chāṇakya and *Śukranīti*

(1) The Headman	was assigned		$\frac{1}{12}$	of the total	revenues.
(2) The Army	,,	,,	$\frac{3}{12}$	,,	,,
(3) Charity	,,	,,	$\frac{1}{24}$	,,	,,
(4) People	,,	,,	$\frac{1}{24}$	,,	,,
(5) Officers	,,	,,	$\frac{1}{24}$	,,	,,
(6) Personal	,,	,,	$\frac{1}{2}$	,,	,,
(7) Central Government	,,		$\frac{12}{24}$	,,	,,

From this system of allocation, it appears that the village fund used to get about 8 to 16 per cent of the total gross revenues. For, items Nos. 3 and 4, Charity and People, were clearly meant for local purposes, and so also seems to be the case with items Nos. 5 and 6, Officers and Personal. For, the item 'Officers' seems to include 'nazars' to officers and other expenses connected with the visits of the inspecting officers which the villagers had to incur, and the item 'Personal' seems to be an allied one.

Our Western Indian inscriptions do not enable us to infer whether the village fund existed and if so how it was formed. As we shall presently see, such a fund was existing under the Marathas, so it would not be incorrect to infer that it might have existed in the Hindu period. It was existing under the Mauryas and the tradition must naturally have been continued under the later dynasties. Otherwise, it is difficult to account for the sudden emergence of this fund in the Maratha period. Dr. Mann,

And of old village records

[1] कर्षकस्य ग्राममभ्युपेत्य अकुर्वतो ग्राम एवात्ययं हरेत । iii. 10.

[2] i. 631-6 (English Translation published by the Panini Press).

shows in his two books on '*The Land and Labour in a Deccan Village*' how the village expenses in the Maratha period normally amounted to about 12 to 20 per cent and how they were defrayed out of the village revenues collected. We quote here the figures for Pimpal Saudager [1] for five years and they will show how even the 20 per cent limit was occasionally exceeded in times of emergency.

——	1770-1771	1791-1792	1797-1798	1811-1812	1829-30
	RS	RS A	RS A	RS	RS
Total Revenues...	801	792 8	1,087 2	1,158	889
Village Expenses	74	202	697 2	310	186
Percentage of the latter to the former.	9 per cent	26 per cent	60 per cent	26 per cent	22 per cent

Conclusion

It is thus clear that the village fund out of which the village expenses were met, received a contribution varying from 15 to 25 per cent. Elphinstone also states that the village expenses amounted to about 10 to 20 per cent of the total Government demand. It is interesting to note, as the above figures for 1829-30 show, that even under the British period, and ten years after the annexation of Mahārāshṭra, Government found it necessary to sanction 22 per cent of the village revenues for the village expenses. We would not therefore be wrong in maintaining that part of the village revenues must have been utilized in the same way under the old Hindu kings. Possibly as in the Maratha period no special taxes were set apart as local taxes ; were it so, all the taxes would not have been assigned to the grantees in the village grants. But a varying percentage on the total revenues collected seems to have been always assigned for the local purposes.

Village fund not the same as the Local Fund

Our village communities then had to pay many more direct taxes in the past than they do at present ; but they also enjoyed the unique advantage of having a fairly large village fund at their disposal for meeting the common wants of the community.

[1] *Land and Labour in a Deccan Village*, vol. i, p. 42.

This village fund, it should be further noted, was collected and spent in the village itself by its own inhabitants ; and so it can not be compared with the modern Local Fund which goes to the Central Treasury to be expended where the District Local Board may deem necessary. The disappearance of the village fund has lessened, as we shall presently show, the charms of the village life.

How utilized

Let us now see how the village fund was utilized. In this connection Elphinstone observes : 'The maintenance of the village temple, its fixed and authorized pensions and annual charities, its ceremonies and religious festivals, its alms to beggars and entertainments to guests, especially to Brahmins and Fakirs, its occasional amusements and tumbler dances, its nazars to superiors, its offerings to the patel and other village officers on occasions of congratulations, the expenses of the patel on the public affairs, the fees of the peons stationed in the village, entail a number of expenses on the community wich unless allowed from the Government revenue (which is very rare) are defrayed by a tax on the village.[1] What these taxes were we have already seen ; we have quoted Elphinstone here to give an idea of how the village funds were utilized. Elphinstone's statement is confirmed by the accounts of Pimpal Saudagar and Jatagaon Budruk published by Dr. Mann. We quote below the list of the items of expenditure at each of these villages in the year 1791.

Testimony of Elphinstone

And old Village Records

PIMPAL SAUDAGAR (*Quoted from pp. 40, 41.*)

	R A P		R A P
(1) Government ...	19-8-0	(6) Spent on the visits of Government officers.	4-3-0
(2) Festivities ...	12-0-0	(7) Sundry ...	4-0-0
(3) Gosavi ...	28-0-0		———
(4) Minor charities ...	3-0-0	Total ...	37-7-0
(5) Gifts ...	24-8-0	+ Unexpected expenses.	21-7-0

[1] Elph., p. 20.

JATAGAON BUDRUK *(Quoted from p. 50.)*

	RS
(1) Deshmukh	... 10
(2) Deshapande	... 16
(3) Sarpatil	... 10
(4) Chitnis	... 8
(5) Subha Accounts	... 12
(6) Kamavisdar	... 40
(7) Mahal Accounts	... 30
Total †	... 126

† These are allowances and pensions by the Central Government.

	R A P
Kulkarni's pay	... 12- 0-0
Stationery	... 3- 0-0
Cart hire for the village boat	... 3- 8-0
Cart hire	... 1- 8-0
Artillery (for village defence)	... 3-12-0
Charity	... 3- 8-0
Kaji	... 1- 0-0
Waghya of Jejuri	... 1- 0-0
Village Joshi	... 4- 0-0
Ghee	... 2- 0-0
Shimga festivities	... 8- 8-0
Grocer's Bill	... 31- 0-0
Presents	... 2- 5-0
Total	... 76-12-0

N.B.—These are purely village expenses.

Disappearance of the fund and its effects

An analysis of these items of expenditure will show how useful the village fund was to the villagers for meeting the various public needs. It enabled them to entertain guests, to spend on charities, to organize festivities, to relieve the poor and distressed, to finance public shows and dramas and, the last but not the least, to present nazars to the visiting officers without being themselves compelled to contribute for that purpose. Elphinstone notes that the discontinuance of the fund has made the villager feel the want of his old charities and amusements. What precisely has been the effect of this discontinuance we shall show in the second part of our book which will deal with the village life.

The Panchayat Act, 1920

Before concluding this chapter, we must passingly note that the Bombay Legislative Council has passed in 1920 a Village Panchayat Act which contemplates the revival of this Village Fund to be managed, collected, and spent by the local panchayats. Villagers however have not so far evinced any desire for taking advantage of the new opportunities that are opened to them by the Act. In the concluding chapter, we shall try to explain this phenomenon.

The concluding remarks for the first part

With the present chapter comes to an end the first part of our essay dealing with the Village Government. Government, apart from the persons who exercise its power, is an abstract conception; so we first endeavoured to ascertain who were the persons in whom the Governmental power was vested and showed in the first two chapters that it was partly vested in hereditary resident officers and partly in an informal council of the village elders. The next point was to enquire as to how the various Governmental functions were discharged, and we have traced the history of adjudication, defence, and taxation and the village institutions connected with them. Life in ancient times was very simple; needs of the people were few; socialistic conception of state was then undreamt of even in Europe; so in our Western India village communities Governmental action was usually confined to the defence of the community, protection of person and property, settlement of village disputes and the collection of the various taxes. In the modern times, Government undertake many more duties, the chief of which are legislation, education, sanitation, medical relief, public works, settlement of land tenure, fostering of commerce and industry and so on. But most of these functions were not regarded even in Europe as falling within the legitimate sphere of Governmental activities down to the last century. Legislation, of course, was regarded there as one of the chief activities of the state; but in India the case was different, for here the law was regarded as revealed and it could be modified by the silent operation of custom rather than by the noisy process of legislation. So we had no need of considering the question of legislation while dealing with the question of Village Government. As regards education, sanitation, medical relief, and development of commerce and industry, we may observe that these have been recently admitted even in Europe within the sphere of Governmental activity, so there is no question of instituting enquiries about them while discussing the question of Village Government. The case of land tenures and public works is rather different; it may be argued that the state even in ancient India was often determining land tenures and undertaking public works. But such occasions were rare as far as Western Indian village communities were concerned. Land tenures were not much interfered with by the Government of the day;

public works too were directly undertaken by the state on rare occasions. Land tenures and public works were more intimately connected with the village life than with the Village Government, and therefore we have decided to consider the questions connected with them in our second part dealing with village life. Our task therefore of tracing the history of Village Government has now come to an end and we now proceed to deal with village life in the second part.

Part II.—VILLAGE LIFE

GENERAL INTRODUCTION

We considered in the first part the question of Village Government and the various institutions and activities connected with it. In this part, we shall consider the problem of village life with all its complexities and manifold varieties. Village life is a far more important question than Village Government, for, after all, Government of a country is but the reflection of its people's life and character. Besides we can hardly get an adequate idea of our village communities by considering and understanding merely their Government. We must understand the inner forces that were silently but surely shaping and determining the destinies of our communities; and this can best be done by studying, analysing and understanding the village life.

In this part, therefore, we shall deal with the village life in its various aspects. We shall at the outset consider the question of the village settlement, its broad features and peculiarities. Then we shall consider the village occupations which will give us a glimpse into the needs of the village life and the ways devised to meet them. Social, religious, and charitable activities will then engage our attention and they will enable us to understand the inner forces working in our communities. We shall also consider the problem of village education, sanitation and medical relief which we trust will complete the picture of village life which we set ourselves to delineate in this part.

CHAPTER VI

VILLAGE SETTLEMENT

WHILE dealing with the question of village life, the first thing that suggests itself is the village settlement. No village can exist and no village life will be possible without a village settlement; so, we propose to take up in this chapter the question of village settlement and discuss the various problems connected with it.

Settlement and its divisions

Usually the land situated within the boundaries of a village is divided into three parts: one is set apart for habitation, one for cultivation and one for pasture. This arrangement is seen to obtain even now all over Western India and can be shown to be immemorial. Similar division of land is known to have existed in the Teutonic communities in Europe even in prehistoric times.[1] In fact such division of the village lands is so natural in an agricultural community as to be almost inevitable. Our communities in Western India have been mainly agricultural; so this division of the available village land has been, ever since their foundation, the order of the day. We have already seen how Chāṇakya holds the superintendent of the pasture land responsible for a theft committed between two villages. This clearly shows that the pasture land was a regular feature of village settlements in the Maurya period. And we shall presently show that such has ever been the case. Let us now consider each of these three divisions separately.

A. VILLAGE SITE

Selection of the site

At the time of the foundation of a new village community, the selection of a suitable site for common habitation is the first question to be considered and settled. Village communities in Western India do not seem to have changed to any considerable extent their original ancient sites; and the principles governing their selection can be easily deduced from an examination of a few of

[1] Maine, *Village Communities East and West*, p. 80.

them. Usually the most convenient site for the purpose was selected; sometimes indeed we come across a village situated at a very inconvenient place, but this is due usually to a subsequent change of circumstances. Sometimes superstition plays not an unimportant part in the selection of the residential site and when this is the case, the site is not always convenient. In a few villages, legends still survive as to why the particular site was selected, but these are not always trustworthy. For the possibility of these being later inventions cannot be altogether excluded.

Usually, however, the most convenient site seems to have been selected. Contiguity to water supply was the first and foremost point of consideration, hence, if there was a stream or river, the site was selected along its bank, but at a point of elevation to avoid the danger of inundation in monsoons. Cultivation being the primary purpose of the settlement, an attempt was made to see if a piece of waste land could be selected which would combine the other advantages as well. After considering all these factors the site was finally selected.

Houses not scattered

In Western Indian village communities, as a general rule, the houses of the villagers are all located in a central place near each other. The Malabar type of village consisting of widely separated houses each surrounded by its owner's farm and garden is very rare. That type is to be seen in some parts of Konkan and Canara, where the ordinary type of the village settlement was found impracticable partly owing to the poor nature of the soil which required constant presence on the farm, partly owing to the hilly nature of the land which rendered the congregation of all houses at one place almost impossible, and partly owing to the absence of any reasonable danger which would naturally necessitate co-operation and neighbourly assistance every now and then.

Each caste has a separate locality

The village site being selected, the next thing that was done was to allot it to the colonizers. It was usual for members of each caste and profession to congregate at one place and thus form their own centres. Thus have arisen the carpenter lane, the porter lane, the smith lane, etc. that we come across in villages and towns. The untouchables were naturally assigned a place on the outskirts of the main settlement.

Śilpaśāstra lays down minute rules about the structure of a village, the length and breadth of its roads, the arrangement of its houses, etc.; but it appears doubtful whether the colonizers of Western India had ever heard of those theories. As far as their residential quarters and the arrangement of houses and streets are concerned, our villages have not changed much; so, one wonders whether such rules had ever guided village colonization. The rules in *Śukranīti*[1] are more realistic and seem to have been observed by our communities; so we shall briefly refer to them.

Village in the eighth century: streets, lanes, etc.

'The houses were to be arranged in rows. The Rājamārga or the principal street was to be at the centre, ten cubits wide and like the back of a tortoise (i.e. tapering towards the sides to facilitate drainage). The houses were to face this Rājamārga, and at their backs, were to be vīthis (i.e. lanes) five cubits broad and places for committing nuisances.' It will be seen that this description of the village houses, streets, lanes, and by-lanes tallies entirely with the conditions now obtaining in Western India. We may therefore well assert that ever since their foundations, our communities in Western India have always been possessing residential settlements similar to those that now exist.

Materials for houses

The usual material for houses was mud and wood. The use of stone for residential houses was not known even to capitals; Valabhi for example, was all built in wood and mud, hence the absence of any imposing ruins at modern Waḷā. It was only after the eighth century that stone came to be used for imposing and permanent structures like temples, palaces and hospitals. The typical village house has continued to be a tenement of mud and wood even to the present day. Stone and iron are however being gradually introduced in modern times.

Bazar and cremation ground

Every village, it is true, did not hold weekly bazars; still it was usual for every village to set apart some open space, preferably at the centre, for the sale and purchase of articles. Similarly the contingency of eventual development in future was provided for by

[1] i. 530-7.

reserving for residential purposes an area considerably more than what was needed for the immediate needs. A plot was also set apart for the cremation purposes at a considerable distance from the residential quarters.

Inter-communications

Roads to adjoining villages were also laid out and kept in repairs. They were neglected only during the seventeenth and eighteenth centuries owing to the disturbed and unsettled conditions of the times. The road going from one village to another is often mentioned in inscriptions [1] as a boundary on one direction of the fields given in charity. A road can be referred to as a boundary only if it was certain that it would not vanish from sight owing to its non-repairs.

Dimension and population

The average population of the modern village is 387. In the past, however, it was considerably more. Chāṇakya says that while founding new villages, it should be seen that at least five hundred persons go to inhabit it. From the passage शूद्रकर्षकप्रायं कुलशतावरं पंचशतकुलपरं ग्रामं क्रोशद्विक्रोशसीमानं अन्योन्यारक्षं निवेशयेत् । it clearly appears that the population of villages in the days of Chāṇakya varied from 500 to 2,500. The village in ancient times then was usually more populous than now, and no wonder. The irresistible economic forces of modern civilization, which are depopulating villages and overcrowding cities, were then absent altogether. The administration too was not then, as it is now, a centralized one; the villagers enjoyed large autonomy; they had not to run down to the Taluka or Bhukti headquarters every now and then, be it for registration, adjudication, education, or medical relief. Naturally therefore, the gravitation of towns and cities being absent or negligible, the villages were in a prosperous condition, more populous and extensive than they are now. A comparison of the census returns of any village in Western India during the last sixty years will bear out the truth of our remarks.

[1] Compare for example पूर्वतः छोरकहग्रामयायिपंथा......पश्चिमतः जंभाग्रामएगोधिअवलिग्रामगामी पंथाः । in the Kāvi plates of Govinda III, *Śaka* 749; *Ind. Ant.*, v. 145.

B. Arable Lands and Land Tenures

Introduction

When a village community is founded, part of the land is set apart for habitation and most of the remaining portion is parcelled out among the colonizers for cultivation. Most of the village communities in Western India are purely agricultural and so the question of Land Tenures is very important. We propose to discuss it in this section.

Rayatwari and joint tenure

At present, the Rayatwari system of land tenure prevails all over Western India except some parts of Gujarat and Kathiawar. In this section we shall have to inquire as to what was the ancient system of land tenure in Western India and whether it has been preserved in tact to the present day. And, for this purpose, we must first consider Sir Henry Maine's theory in this respect.

Maine's theory

In his charming book *Village Communities East and West* Sir Henry Maine enunciates the theory that the rayatwari tenure in India is a decayed form of the joint holding. Village communities in Northern India with their joint holding system of land tenure represent the true original type of Aryan village communities,—a fact which is further proved by the striking resemblance that exists between them and the old Teutonic village communities on the Continent.

Such in brief is Maine's theory and we shall have to examine it carefully. For if it were true we shall have to account for the rise of the Rayatwari tenure in this presidency.

True in pre-historic times in Europe

The evolution of the notion of property makes it abundantly clear that at some pre-historic time in the hoary past, the state of things in village communites might have resembled that which is conceived of by Maine. The proprietory right in the village site, pasture and lands must at that early time have been regarded as vested in the community as a whole and not in its separate members. Such types of villages are known to have existed in Germany,[1] Jutland and Sleswick from where the Anglo-Saxons went forth to conquer and occupy England.[2] What we have to consider, then, is not whether such a type of village community is possible, but whether, it was ever existing in India, and if so existing, whether the modern joint-holding tenure obtaining in

[1] Maine, *Vill. Com.*, pp. 107, 222, 227. [2] *Ibid.*, pp. 91-94.

North India faithfully represents that type; and finally whether the rayatwari tenure is its decayed form.

But not in India

All available evidence goes to show conclusively that the stage of communal ownership of land had long passed in India even in the Vedic age. Expressions like उर्वरासा 'One who obtains cultivable land', क्षेत्रसा 'One who wins a field', उर्वराजित् 'One who conquers a piece of cultivable land' clearly show that the idea of individual property in soil was already well prevalent; hence it is that the Vedic singer is as much anxious for the welfare of his children and cattle as about his lands.[1] There can therefore be no doubt whatever that the village community embodying the notion of communal ownership did not exist even in the Vedic age.

Conditions in historic times also go against Maine

The fact is that such a type has never existed in India. We have seen what were the conditions in the Vedic times; the same was the case in the Jātaka period. Jātakas reveal a rural system of economy chiefly based on peasant proprietorship.[2] In the Maurya period, too, there was the system of individual holding based upon individual proprietorship; separate record was kept of the lands, cattle, and taxable capacity of every householder by the Gopa.[3] The only type of land holding known to Manu was the rayatwari one[4] and he distinctly refers to the existence of individual proprietory right in the soil.[5] The same is the case with Nārada and Śukra. The latter's statement, 'The king should give each cultivator the deed of rent having his own mark,'[6] leaves no doubt whatever on the point. And when we remember that the Jātaka writers, Chāṇakya, Manu, Nārada and

Even in North India

[1] तोके हिते तनये उर्वरासु सूरो दृशीके वृषणस्य पौंस्ये । *R. V.*, iv, 41. 6.

[2] C.H., I, p. 198.

[3] *Arthaśāstra*, II, 35.

[4] क्षेत्रकूपतडागानां आरामस्य गृहस्य च ।
सामन्तप्रत्ययो ज्ञेयः सोमासेतुविनिर्णयः । viii. 262.

[5] स्थाणुच्छेदस्य दारमाहुः शल्यवतो मृगम् । ix. 44.

[6] iv. 2. 223.

Śukra were all northerners, we shall have no hesitation in maintaining that even in Northern India, from the earliest times, not only is there no trace of communal ownership, but even the system of land tenure has been the rayatwari one. We shall presently explain the origin of the present joint tenure system in the north, but before doing so, we shall show how it does not at all embody the idea of communal ownership.

For there is no idea of communal ownership

In the typical joint holding village of the north, on which Maine has based his theory, there is the sense of unity and solidarity. There is the recognition also of common interest, but there is no idea whatever of communal ownership. The notion of communal ownership can be said to exist in a village community when no villager has got any idea of a divided or undivided ownership residing in him, when no one has any share that he can call his own, when all co-operate in tilling the village fields, raising the corn and storing it at a common granary from which each is to take whatever is necessary for his needs. There is no trace whatever of any of these conditions obtaining in the North Indian village communities at the present day. What we see there is this: a group of persons in the village community holds the village lands not in joint-tenancy but as tenants-in-common and owe a joint responsibility to the Government for the payment of the land revenue assessed on the village. Joint responsibility for Government revenue and the tenancy-in-common however have nothing to do with the notion of communal ownership as will appear from the history of their origin which we give in the next para.

Origin of these tenures in the mediæval times

The prevalence of these tenures in the Punjab and the United Provinces is due to historic causes. These provinces were subjected to invasions after invasions both in the Hindu and Mahomedan periods. A daring chief comes forward, conquers and occupies a tract of land and assigns to his followers, by way of reward, villages in the conquered territory. Each grantee or assignee becomes the owner of the village lands situated in his village. In course of time, his family multiplies and in about a hundred years, instead of the one original owner, there arises a co-sharing body of village proprietors, all descended from and claiming through the original grantee. Naturally

Ancestral origin

enough they become jointly responsible for the Government demand, but each among them has a clear and vivid idea of his own individual share of the village income ; there is no notion whatever of communal ownership. Each claims his own share and can enforce his right to it in a court of law.

Tribal origin

In some cases tribal occupation of land has given rise to this sort of tenure. A vivid consciousness of tribal consanguinity often gives rise to a feeling of cohesion among land-holding co-sharers. Such a feeling naturally induces them to cultivate the habit of paying the land revenue jointly in a lump sum especially because joint action is best suited to resist fiscal oppression. Many such tribal villages exist in the Punjab, the Lahore District alone having sixty villages inhabited purely by the Arians.[1] But here again there is no idea of communal ownership. Each farmer is conscious of the separate ownership vested in him of his own piece of land. If the conception of communal ownership were explained to him, he will immediately repudiate it.

Rayatwari tenures prevalent in the north

It will thus clearly appear that even the joint holding villages of the north do not embody the conception of communal ownership. Maine's theory that they preserve the original Aryan type of village community also falls to the ground ; for, we have shown how they have developed the present form in mediæval times owing to definite extraneous historic causes. And as regards his contention that the rayatwari tenure of the Deccan is the decayed form of the joint tenure, we have clearly shown from historic evidence how even in the north, the Rayatwari system was existing down to mediæval times.

Therefore in Western India also

If then the Rayatwari tenure was the order of the day even in the north from the Jātaka times onwards, it follows that the same must have been the case with the Deccan and Western India. There is ample inscriptional evidence to support this statement, but as we have refuted Sir Henry Maine's theory, and as nobody doubts the prevalence of the rayatwari system in our part of the country since very early times, we think that no

[1] *Lahore Gazetteer* : People.

useful purpose can be served by citing it here. We shall therefore proceed to explain, not how the rayatwari tenure arose in Western India but how the non-rayatwari tenures have come into existence in some parts of it, especially in Gujarat and Kathiawar.

Bhagdari tenures are exceptions: How they arose

We find that the causes responsible for the displacement of the ancient rayatwari system in Gujarat and Kathiawar were much the same as those operating in the north. 'As each tribe of Rajputs invaded Kathiawar and Gujarat during the eleventh and twelfth century, its chief bestowed on his relatives and followers portions of lands he had won. The share of each grantee was known as a Kapalgras and passed to his children and descendants. The enterprising 'grasias' added more land to their share and acquired a more influential position. But the lesser one had to remain content with the share that was originally assigned to him. He was, however, bound to make provision for his younger children and so sub-division has gone on to a ruinous extent. The result is that in some estates of a single village, there are more than a hundred co-sharers who have fallen to the level of peasants.[1] Such is the origin of the joint-holding tenures in Gujarat and Kathiawar.

Why was Rayatwari preserved in the Deccan

As regards the Deccan and the Karnatak, we have to observe that the old rayatwari system has on the whole remained unaffected. The extraneous political causes that led to its disappearance in the north were absent here; the hold of the Mahomedans on these provinces was, as we have already shown, very weak and shortlived; and during their rule, they did not introduce the farming system. The Marathas were a thrifty race and knew that the intervention of the middleman would only result in the shrinkage of the Government revenue. They therefore would not adopt the system. In the case of Konkan however, they departed from their principles; Konkan was then as even now difficult of access from Poona and so in the late Maratha period the system of revenue farming was introduced in Kolaba and Ratnagiri giving rise to the modern Khoti tenures. Parts of Konkan excepted, the tenure of land throughout the Deccan and

[1] *Kathiawar Gazetteer*, pp. 315-16.

Karnatak is however the Rayatwari one. It is true that there are many Inam and Saranjam tenures especially in the Southern Maratha country; but here, the Inamdars have got the right to receive merely the revenue; usually they have no proprietory rights in the soil. So these Inams and Saranjams have not affected the essentially rayatwari character of the land holding. The Inamdars have not developed into owners of soil as was the case with the Bengali Zemindars.

Rayatwari not of Dravidian Origin

We have already shown how the rayatwari system now obtaining in the peninsula was prevalent even in the north earlier than 600 B.C. This renders the theory that the rayatwari system is of Dravidian origin, being copied by the Aryan settlers of the south, altogether untenable. Havell's statement then that 'the non-Aryan village system has survived and served as the foundation of the Anglo-Indian land system'[1] is singularly without any foundation.

Was State the owner of the lands?

Before leaving the question of land tenure, we shall briefly refer to one more aspect of it, viz., land ownership. We have already seen how there was no idea of any communal ownership. Similarly, there was no idea of the crown being the owner of the land. The British contention that the state is the owner of the land was usually not put forward by the Hindu kings. Even Chāṇakya puts forth no such claim, his law of sale recognizes private property in the land.[2] Jaimini definitely refuses to admit that the crown is the proprietor of the lands in his realm, for, he distinctly warns the Emperor that he cannot grant the proprietory right in the soil to the grantees at a 'Viśwajit' sacrifice for the simple reason that he himself has no such right in it.[3] Manu's statement भूमेरधिपतिर्हि सः[4] is only figurative; for popular parlance uses similar expression all over the world. At any rate in Western India the theory was never in vogue; none of the numerous grants of lands made by the Valabhis, Gurjars, Rāshṭrakūṭas and Yādavas transfers any proprietory

[1] *H. A. R.*, p. 14.

[2] *Arthaśāstra*, III, 15.

[3] न भूमिः स्यात्सर्वान्प्रत्यविशिष्टत्वात् । *Pūrva Mīmamsā*, vi. 7, 3.

[4] viii. 39.

right in the soil.[1] Even to-day the presumption of law in case of inam lands is that the grantee is entitled only to the land revenue ; burden of proof lies heavily on him who maintains that he is invested with a proprietory right.[2] We may therefore conclude that the ownership of lands occupied by our village communities in Western India was vested in the peasant proprietors ; hence the proverbially deep attachment to the soil exhibited all over the presidency by the farmer. The contention of the British Government that the state in India was always the owner of the soil is hardly based on any historic foundation.

P. S.—Maine's theory of the periodical redistribution of land among the villagers has not been examined, for there is no evidence whatever to show that such redistribution ever took place in Western India. The theory itself has been examined and refuted by Baden-Powell at pp. 117, 118 of his book *Village Communities in India*.

C. The Village Pasture

Pastures are of immemorial antiquity

All over Western India, in Gujarat, the Deccan and the Karnatak the village pasture is even now a regular feature of village communities. There are some cases where there is no pasture land, but its absence there is due, not to there being no pasture land set aside for the grazing purposes by the founders of these communities, but to the subsequent arbitrary action of Government or its agents in the modern period.

When the village communities were founded in Western India, a plot of land was invariably set aside for grazing. To an agricultural community this was an absolute necessity, so much so, that even Chāṇakya states that a king ought to grant pasture lands to villagers.[3] We have already seen how every village had a pasture attached to it in the Maurya period,

[1] Compare in this connection Nīlakanṭha's observations in *Vyavahāramayūkha* " संपूर्णपृथिवीमंडलस्य तत्तद्ग्रामक्षेत्रादौ स्वत्वं तु तत्तद्भौमिकानामेव । राज्ञां तु करग्रहणमात्रम् । अत एव इदानींतनपारिभाषिकक्षेत्रदानादौ न भूदानसिद्धिः किंतु वृत्तिकल्पनमात्रमेव । स्वत्वावगम ahpter

[2] Rajya *vs*. Balkrishna, 29 Bombay 415.

[3] अकृष्यायां भूमौ पशुभ्यो विवीतानि प्रयच्छेत् । II, 2.

for, otherwise the responsibility for theft committed between two villages could not have been thrown on the supervisor of the pasture land.[1] Manu also lays down that four hundred cubits of land all round the village shall be set apart as pasture land which may be freely used by all the villagers.[2] A similar provision exists in Vishṇu Smriti.[3] Manu, Vishṇu and Chāṇakya are all northerners; but we have seen how, many of their provisions even as regards judicial procedure were actually in vogue in Western India. As there was ample land available for the pasture purposes at the beginning of the colonization, it is but natural to presume that, following the custom in the north, our village communities must have set apart a piece for pasturage everywhere. Otherwise it would be difficult to explain the universal presence of the village pasture even in the modern age. The village pasture must be a very old and deep rooted institution; otherwise, it would not have served the shocks of so many dynastic changes.

In Western India

[1] ग्रामान्तरेषु वा मुषितं विवीताध्यक्षो दद्यात् । IV, 13.

[2] धनुःशतं परीहारो ग्रामस्य स्यात् समंततः ।
शम्यापातास्त्रयो वापि त्रिगुणो नगरस्य तु । viii. 237.

[3] v. 147.

CHAPTER VII

VILLAGE OCCUPATIONS

HAVING considered the question of the village settlement, the next problem that naturally suggests itself with regard to the village life is the village occupations. So we propose to consider it in this chapter.

Agriculture the main village occupation

The typical village in Western India is essentially agricultural; so the main village occupations are agriculture and allied pursuits. Such has been the case ever since the foundation of our communities. It is true that the Jātakas occasionally refer to villages exclusively populated by carpenters[1] and smiths ;[2] it is also true that Chāṇakya refers to villages of soldiers, labourers and dairymen.[3] But these were exceptions even in the Jātaka and Maurya period ; for while referring to the average village of his time, Chāṇkya uses the term शूद्रकर्षकप्रायम् 'consisting mostly of Śudras and farmers' Our cave inscriptions and plates refer to numerous villages, but none of them is described as a carpenter's village or smith's village. The usual type of village then in Western India has been of the type described by Chāṇakya, and that description still holds true. For, even now the immense majority in the village consists of non-Brāhmaṇas, and their profession is either agriculture or some other pursuit subsidiary to it.

Other occupations subsidiary to it

A farmer can hardly proceed with his work without the assistance of a smith or a carpenter ; he wants the axe-blade and the ploughshare, the plough and the cart ; and smiths and carpenters alone can supply these articles to him. Then apart from his agricultural needs, he has also some others in common with the rest of the population. There can hardly be

[1] vol. ii, p. 18 ; vol. iv., pp. 159 and 207. [2] vol iii, p. 28.

[3] परिहारकं धान्यपशुहिरण्यकुप्यविष्टिकरप्रतिकमिदमेतान्निबन्धयेत् । Bk. II. ch. 35.

any civilized community which can dispense with the services of a barber or a shoe-maker, a potter or a washerman. All these and similar other artisans have been existing in villages from times immemorial, but they exist merely to serve the needs of the community. Hence it is that they are called 'servants of the community' even by Chāṇakya; hence it is that their maintenance was guaranteed by the community; hence it is that they were not, and even now are not, accustomed to migrate from village to village in search of better employment.

The peculiarity of the village occupations is that they are just what are required to make the village community self-contained and self-sufficient. Go to any village in Western India and you will find there the carpenter, the smith, the barber, the washerman, the potter and the shoe-maker.[1] There are some exceptions here and there but they admit of a natural explanation. Thus, in the forest-covered Canara, no village community of the usual type exists; mere hamlets are scattered here and there; so naturally all these artisans or village servants are not to be found. In some parts of Nagar, Sholapur and Kolaba Districts, the soil is very poor; each village cannot afford to maintain the full staff of the usual village servants; and so we find two or three villages having a common carpenter, smith or shoe-maker.

But apart from those exceptions, we find that all over Western India the village community possesses just as many professions as, and no more than what are required to serve the needs of its mainly agricultural population. What these professions were is already indicated; let us now see how their members were remunerated for the services which they used to render to the village community. Usually the 'Balute' or the grain share system was followed, the origin and main features of which will now be discussed.

Balute system described

Under this system a certain grain-share was paid every year by each farmer to all the village artisans at the time of the annual harvest. Payment was not made in cash but in kind; nor was this payment in kind made on each occasion the service was rendered, but

[1] See Nasik, Nagar, Khandesh, Satara, Poona, Sholapur, Kolaba, Thana, Ahmadabad, Bharoch, Khandesh Canara and Kathiwar Gazetteers under the head 'Village Communities.'

annually at the harvest time. And finally we must note that each farmer has to give a certain grain-share to each of the village servants, whether he requires his services or not.

How it arose

It is not difficult to understand why this system was introduced. In olden days coins of precious metals were rarely used; even in the Upanishadic days they had not become common medium of exchange; for when the King Janaka set a prize for the best philosopher, it was in kine and not in Nishkas or Kārshāpaṇas. If such was the case in the days of Janaka, payment in coin in the still earlier pre-historic times when the Aryans were founding new village communities in Northern India was out of question. Villagers have a peculiar attachment to their cattle and are reluctant to part with them even in times of stress and difficulty; so the use of cattle as a medium of exchange for every-day purposes was out of question. Payment in corn then was the only alternative left.

In pre-historic times

Among the Aryans in the north

Now we must remember that the Aryans were colonizing an unknown country infested by wild animals and inhabited by hostile tribes. It was therefore natural for them to endeavour to make their village settlements as self-contained as possible. And this could be done only by ensuring the permanent existence of a village staff to serve the agricultural and other needs of the community. The permanent existence of such a staff could be secured only by guaranteeing to it a never-failing source of income. For example, if the total annual income of a smith were to vary with the needs of the village,—as would be the case if it were fixed in kind on each occasion in proportion to the work required of him,—it may often happen that the smith may be induced to migrate to another village where he was likely to fare better. The village community would thus cease to be self-contained.

To avoid such a contingency, the Balute system was introduced. Every member of the village staff was guaranteed a certain per cent share from the produce of each farm in the village. He could thus confidently rely upon a permanent annual income. The arrangement was advantageous to the farmers as well. When the harvest was long past, the improvident ones among them may not always possess surplus corn for payment to the carpenter, or smith, barber or potter. So, for the farmers too

the annual payment at the time of harvest when corn is plentiful was very convenient. Nor was there any danger of the village servants going away from the village after receiving their payment in advance, for there was a deep sense of brotherhood and strong attachment to the village.

It will be now evident how the Balute system must naturally have been evolved in the Aryan communities when they were colonizing Northern India. All circumstances necessary and favourable for its rise were there and the Aryans were clever enough to devise it.

Is the system taken from the Dravidians?

We have endeavoured to show this rather at great length: for, Baden-Powell maintains that the system is of Dravidian origin. He says: 'the idea of villages with a grain-share from each cultivator is Dravidian. Aryans copied it from Dravidians or found it in India before them.'[1]

No;

It is difficult to subscribe to the theory enunciated by Baden-Powell. It is already shown how it was just natural for the Aryans to hit upon the system under the peculiar circumstances of their new village communities. We shall now cite evidence to show that the system was in vogue in Northern India several centuries before the Christian era at a time when no Dravidian influence could be suspected.

Because it is much earlier than Chāṇakya

In his *Arthaśāstra*, Book V, chap. 2, Chāṇkya deals with the problem of raising additional revenues in times of national danger. He first considers the question of extra levies on the peasantry and says that farmers may be required to raise an additional crop in the summer and compelled to surrender one-third of the produce. The village collectors, he goes on to observe, should also beg on behalf of Government and thus realize even something more than the one-third. Of course this begging was nothing but bidding and alms that were given in response to it were nothing but forced benefactions. But Chāṇakya warns his officers that 'they should avoid grain at the bottom of the harvest heaps so that it may be utilized in making offerings to gods and ancestors, in feeding cows or for the subsistence of mendicants

[1] *B. P. L. S.*, I, p. 120.

and VILLAGE SERVANTS.'[1] It will be clear from this passage that the method of remunerating the village servants in kind annually at the time of harvest was well in vogue in Northern India before the days of Chāṇakya. Nay, even at that early age, it was such a deep-rooted and time-honoured custom that the lien of the Balutedars on the crops collected in the farms could not be defeated even by a greedy Government in times of national emergency. The passage makes it quite clear that in the fourth century B.C., it was regarded as incumbent on a farmer to offer the grain-share allowance to the village servants as to offer the oblations to gods and ancestors.[2] The system then must have been several centuries in existence before the days of Chāṇakya, and so the possibility of the Aryans copying it from the Dravidians does not arise at all. For it is already shown in the introduction how the opponents of the Vedic Aryans were not the Dravidians and how the contact between the two races occurred only in the south from the eighth century B.C. onwards. And much earlier than this time must the Balute system have been in existence; otherwise, it would not have acquired such a sanctity throughout Northern India in the fourth century B.C.

Balute as old as our western communities themselves

Having shown how the Balute system is of Aryan origin and how it was prevalent all over India in the days of Chāṇakya [3] and much earlier, we have no hesitation to assume that the Aryan settlers in Western India too must have introduced the system in their new communities. The system exists all over the presidency at present; there is ample evidence in the Maratha period papers to show that the Balutedar's right to his

[1] देवपितृपूजादानार्थं गवार्थं वा भिक्षुकग्रामभृतकार्थं च राशिमूलं परिहरेयुः ।

[2] The disputes regarding the *customary* dues and duties of the village artisans were to be decided by the headman with the assistance of the elders. *C. H. I*, p. 434.

[3] We may here passingly observe that the payment in cash regulated in chapter I of Book IV of the *Arthaśāstra* refers to the conditions obtaining in cities and Government factories. It is difficult to imagine how it could ever have been possible to require the village washerman to return clothes within two or three days and to impose a fine if he failed to do so. That is practicable only in laundries like those existing in cities like Bombay and not in villages. A careful analysis of the chapter will bear out the truth of our observation that the various artisans referred to in this chapter are not the village artisans.

grain-share was regarded as a regular watan, outsiders being rigorously excluded from any participation in it. If this right was valued as a watan, it follows that it must have been in existence even in the Hindu period (1–1200 A.D.). Unfortunately our inscriptions supply us with no direct evidence on the point, but it would be hardly reasonable to expect land grants and village grants to reveal the mode of payment existing between the villagers and the village servants. They however supply indirect evidence. Thus we know that the Balutedars were known as 'karu' (करु) in the days of Peshwas; and they are referred to with a slight variation in designation as 'kāru' (कारु) in most of the Smṛitis and some of the inscriptions. The fact, again, that the karu (which term the commentators usually explain as carpenter and smith) had to pay taxes in the form of work and labour is in our opinion significant. It goes to show indirectly that the grain-share system of payment was existing. How, we shall show in the next para.

Indirect Smriti evidence

Manu starts with the theory,— while laying down taxation rules,— that everybody in the state ought to be compelled to pay something by way of taxation.[1] He lays down a tax in money for traders, a tax in kind on some petty market articles like honey, vegetables, fruits, etc. (VII, 137–8) but he is compelled to lay down a tax in labour in case of kārus or village artisans. Now if a carpenter were selling ploughs, a smith ploughshares and axes, a potter pots in the open village market, the Smirtikāras could have imposed a certain per cent tax on ploughs, locks, axes, pots, etc., as they did in the case of honey, vegetables, seeds and flesh. But owing to the prevalence of the Balute system, there was no need for the carpenter, smith, or potter to expose his goods in the open market for sale. Each customer would come to his house, give his order, and take the articles when prepared. Nor was he paid at the time of each service rendered; so, the procedure of taking a part of the price tendered as a tax on the artisans was also out of question. At the time of the harvest they received

[1] यत्किंचिदपि वर्षस्य दापयेत्करसंज्ञितम् ।
व्यवहारेण जीवन्तं राज्ञा राष्ट्रे पृथग्जनम् । vii. 137.

some corn, but it was not obtained from any land in their possession, so they could not come within the clutches of the land-tax. It was possible to seize part of the grain-share accruing to the artisans; but this share was not always paid at one particular time by all the farmers. Each selected his own convenient time and the Balutedar too would often postpone his claim to such future time as he may find convenient. So, if the dictum that everybody ought to be compelled to pay something by way of taxation were to be enforced against the village artisans, the only practicable way of enforcing it, when the Balute system prevails, is by compelling the artisans to work for the state. And this is actually what Manu,[1] Vishnu [2] and others prescribe. In our opinion this tax in labour on the artisans justifies the inference that the Balute system must have been then in existence. The universal prevalence of the system in the Maurya and Maratha periods however justifies the conclusion about its existence in the Hindu period even without the help of any indirect and inferential evidence.

Who were not Balutedars ?

Having so far discussed the origin and prevalence of the Balute system, we shall now see who were the persons that were entitled to be included among the Balutedars. The Balute dues had to be paid by every farmer to each Balutedar, and so naturally none was admitted within the category whose services were not indispensable practically to every member of the community. Thus bricklayers, well-diggers and stone-masons were not included among the Balutedars, the reason being that their services were not required by all the villagers every now and then. A man may build a house once in fifty years, why should he pay the bricklayer every year at the harvest time ? Another may never build one at all, and this was the case of the majority of the villagers of every generation.

And why

So it was thought reasonable that the bricklayer should be paid by him who wanted his services; the whole community should not be taxed for the former's maintenance. Well-diggers and stone-masons too should be paid by those few who require their

[1] कारुकाञ्छिल्पिनश्चैव शूद्रांश्चात्मोपजीविनः ।
एकैकं कारयेत्कर्म मासि मासि महीपतिः । vii. 138.

[2] ii. 33.

services, the community would refuse to maintain them by assigning grain-shares. The teacher too was not a Balutedar precisely for the same reason.

Another reason

There were however two members in the community whose services were indispensable and yet who were not included in the list. These are the oilman and the trader. The reason for the exclusion of these, however, is not far to seek. The price of the commodities they sell varies largely with the conditions of the market which none in the village community could foresee or control. Naturally they thought it safer and more profitable to have the option of selling their commodities at the prices that may happen to be current for the time being. Then again, the village merchant or oilman had to pay in cash to those from whom he bought his commodities or groundnuts ; he could not therefore afford to wait for payment from his customers till the harvest time.

Who were Balutedars

Having seen who were not the Balutedars and why, let us see who were. Carpenters, barbers, smiths, shoe-makers, potters and washermen are indispensable to the very existence of the community ; so they were all admitted to the privilege. Mangs supply ropes, thongs, whips, etc., to the farmers. To an agricultural community their services are indispensable, so they were also assigned a grain-share. The Mahar was the guardian of the village; it was he who prevented and detected thefts ; it was he who cleansed the village and removed the dead carcasses lying on its streets and lanes; so he was also a Balutedar. The services of the Changla, Tarāḷa and goldsmith were required for the village Government; the Chaugla was the assistant of the Patel, the Tarāḷa was the village Government-messenger and the goldsmith was required for assaying the coins given in payment of taxes (the currency system being but ill-regulated); so all these were included among the Balutedars. Two more Balutedars remain, and they are the Joshi and the Gurva. Superstition is still rampant in villages ; even now, it is on the auspicious day as determined by the village Joshi that the farmer goes forth to sow or reap, to sell or purchase. The various religious rites too were scrupulously performed with as much care and devotion by the non-Brāhmaṇa as by the Brāhmaṇa. So a Joshi was an absolute necessity for the village. The Gurava was the worshipper of the village deity who was the guardian of the locality,

and so the community naturally undertook to pay for his maintenance.

These then are the usual Balutedars. Generally their number is twelve, but occasionally some more are admitted to the privilege. Thus if the village has a good sprinkling of Moslem population, the Mulaṇi is also included among the Balutedars. The bamboo-workers and the Kolis too are seen to figure among them in some localities.

The grain share

Let us now see what amount of grain each Balutedar received. The amount was never fixed. Each cultivator has to pay some amount of corn and fodder ; but the amount itself depends, firstly on the extent of the services performed for him by the Balutedar in question and secondly on the out-turn of the crop. A man may use brass dishes and so he may not require every now and then the leaf-dishes from Gurava ; he would therefore pay him only a small grain allowance. Another may require the services of the Gurava every day and he will naturally pay him a much larger share. Similar is the case of all other Balutedars.

The future of the system

The western economic civilization that has been slowly permeating the country has not yet materially affected the Balute system. The village artisans still continue to receive their grain-share at the harvest time and to supply the needs of the community as they arise. Some members of these crafts occasionally go out to cities like Poona or Bombay, work there for a term of years and return to pass their old age among their kith and kin ; but even their influence has not yet led the villager to conclude that the system of cash payment on each occasion of service is best suited for the village condition. Both the Balutedar and his employer still prefer the old method and the reason is not far to seek. The Indian village artisan is by nature an easy-going man ; the Balute system guarantees him a fixed income and he prefers it to the uncertainty involved in the system of cash payment on each occasion. It is true that if he exerts himself to his utmost, the cash system will enable him to earn more ; but exerting one-self to one's utmost capacity is the last thing that the villager desires. The cash system again may drive his customers to seek the services of professional experts in the adjoining towns and so his living may become very precarious. Besides the right to the Balute is of the nature of a

Watan or hereditary right and the attachment to the Watan howsoever petty it may be, of the villager in Western India is proverbial. It therefore seems probable that owing to all these factors, the system may go on working for several years more.

When will it collapse ?

Under two conditions, however, the system may collapse ; and these are caste jealousies and quarrels and the introduction of the conditions of factory life in villages. If the non-Brahmins for instance decide to boycott the Brahmins, or the untouchables the touchables, the system will come to an end. The experiment of such boycotts was recently tried in some of the Western Indian villages, but luckily, the Balutedars soon realized that it was not to their best interests. Similarly if the conditions of the factory life are introduced in villages, majority of its inhabitants will not be dependent on agriculture ; they will be receiving cash payments for their labour, and they may naturally prefer to do the same to the village artisans. This tendency has already evinced itself in villages adjoining big cities. But vast majority of villages cannot suffer from such contagion, and the Balute system promises to last at least for another half century.

CHAPTER VIII

PUBLIC WORKS

Introduction

IN the last chapter we considered the village occupations and found how they were mainly those that were necessary to meet the ordinary daily needs of the individual farmer. But in village life, apart from the individual and private needs, there are public ones, and we propose to consider how these latter were satisfied in our village communities.

The village needs

The construction and repairs of the village temple, chavdi, or the headman's office, dharmashala or the rest-house, the village wells and tanks, streets and defence walls and embankments and canals,—when the local conditions rendered them possible—these were the usual public needs of the village life. In modern times Government department in most of the countries undertake to satisfy these needs. In ancient times, however, the activity of the state was very restricted; it was thought reasonable that just as villagers made their own arrangements for meeting their private wants, so also they should exert themselves for satisfying their public needs. The Central Governments would help occasionally; part of the village fund was also available; but as a general rule the villagers had to make their own arrangements.

Usually met by voluntary co-operation and self-taxation

The usual method of executing works of public utility was by voluntary co-operation and self-taxation. The spirit of offering voluntary service for works of public utility is very old; it existed in the Jātaka period; for a study of the Jātaka literature shows that the decisions of the village council were promptly carried out by the members of the community, who built motehalls and rest-houses and constructed reservoirs and parks, each taking his share at a voluntary corvée, including even women who also considered it a civic honour to participate in such village works of communal utility.[1] In the Maurya period, the same continued to be the case; for the *Arthasāstra* lays down

Jātaka and Maurya periods

[1] Jāt., vol. i, p. 199, specially important, *J.R.A.S.*, 1901, 867ff.

minute rules as to how such works of public utility were to be encouraged.[1] The tradition thus found to be well established in Northern India was continued by the new village communities in Western India. The Nadwadinge plates of Akālavarsha show how in order to meet the expenses of a local tank the villagers agreed to pay a tax of three drammas on every Brāhmaṇa marriage and of one on every Śudra one.[2] We shall subsequently see in our chapter on village education, how the villagers of Vaghli (Khandesh) and Salgoti (Bijapur) willingly consented to an additional levy in order to meet the expenses of the local colleges. This spirit obviously existed in the Maratha period, for it was found to animate the village communities all over Western India even in the British period until recently. Thus in Ratnagiri District, the head of families even now contribute according to their means towards the cost of any public or charitable work, paying either something in cash or supplying so many days' labour.[3] The same was the case in Nasik and Khandesh where until recently it was quite common for villagers to undertake village public works on a co-operative principle, defraying the cost by contributions in labour, kind or money.[4] Such also was the case in Sholapur,[5] Bijapur,[6] and other Canarese districts. In Kathiawar also this practice was common. The spirit of co-operation is now dying out but that is quite a different matter.[7]

Deccan and Karnatak Inscriptions

Having so far seen how the public works were undertaken and managed, let us more particularly inquire into the question of how they were financed. We have already stated that public subscription

Assistance from other sources

[1] तटाकसेतुबंधानां नवप्रवर्तने पांचवार्षिकः परिहारः । भग्नोत्सृ-ष्टानां चातुर्वार्षिकः । समुपारूढानां त्रिवार्षिकः...... । Bk. III, Ch. 9.

[2] *Ind. Ant.*, xii, p. 224.

[3] *Ratnagiri Gazetteer*, p. 142.

[4] Gazetteers of the respective districts under the heading Village Communities.

[5] *Ibid.*

[6] *Ibid.*

[7] This spirit of voluntary co-operation and taxation, we may passingly point out, was common all over India. The Madras Famine Commission, 1880, observed in its report (pt. ii, p. 112) that so numerous were the applications of the village communities desirous of raising subscription for works of public utility in which they were individually interested that the authorities were unable to pay attention to all. In many of the Punjab villages the Malba tax for such purposes is still a common feature.

in kind, money or labour was resorted to, but the means of the villagers were limited and subscription alone was not always sufficient. It had to be supplemented from other sources.

Central Government's help

Partial help from Central Government could usually be relied upon. If the work in question was of provincial or imperial importance, or obviously beyond the means of the village community, Central Government would wholly or partly defray the expenses. Thus roads from one village to another were usually constructed and repaired by the Central Government.

(i) By direct undertakings

The trunk roads lined with trees and punctuated with wells and rest-houses which Aśoka had constructed were financed out of the Imperial exchequer; the same seems to have been the practice in later days; for, Śukra says that 'the king should have the roads repaired by men who have been sued against or imprisoned.'[1] Costly works beyond the means of the community were again financed by the Central Government. Rudradāman boasts that he had no recourse to forced labour or benefactions when he reconstructed the magnificent dam at Girnar.[2] The college building and twenty-seven hostels for students at Vaghli, a village in Khaṇdesh, were entirely financed by King Seuṇachandra.

(ii) Endowments

The necessary endowments for the feeding of students and maintenance of professors also came from the Central Government. The same was the case with regard to the Salgoti College, as will appear from the next chapter.

(iii) Supply of material

The help from the Central Government was not always in money; it was often in kind. Thus Chāṇakya says that a king should either build temples, reservoirs, rest-houses, etc., in the villages or help others to construct them by a free supply of wood, land and other materials.[3] The Central Government would also help

[1] i. 536.

[2] अपीडयित्वा करविष्टिप्रणयक्रियाभिः पौरजानपदं जनं स्वस्मात्कोषान्महता धनौघेन........सेतुं विधाय........ । Junagad Inscription.

[3] सहोदकं आहोर्योदकं वा सेतुं बंधयेत् । अन्येषां वा बध्नतां भूमिमार्गवृक्षोपकरणानां तु ग्रहणं कुर्यात् । पुण्यस्थानारामाणां च । ii, 1.

sometimes by exemption from taxation as was the custom in the Maurya period.[1] A fourth form this help would assume was by assigning the services of the village artisans for such purposes. We have already seen how all the labourers and artisans were by law bound to work for the state two days every month. Usually the Government would require them to discharge this liability by working at the village public works. The headman could thus coerce those who would not voluntarily co-operate for the village undertakings.

(iv) And securing forced labour

Another source from which our communities derived not inconsiderable help in financing works of public utility was the religious sentiment of the people. Religion was a dominant factor in the past; and it was insistent in emphasizing the spiritual benefit arising from performing such works of public utility as wells, gardens and rest-houses. This इष्टापूर्त (*ishṭāpūrta*) conception was so old that even in Upanishadic times[2] men thought that highest beatitude could be attained by building rest-houses and temple-halls, by digging wells, tanks and reservoirs and by helping to keep these under repairs.[3] Nor does the prevalence of the Jñānamārga or Karmakāṇḍa, seem to have affected people's faith in the religious benefit arising from such

Private charity coming to aid since very old times

Injunction of religion

[1] नवतटाकसेतुबंधानां पंचवार्षिकः परिहारः । etc. iii, 9.

[2] इष्टापूर्तं मन्यमाना वरिष्ठं नान्यच्छ्रेयो वेदयंते प्रमूढाः ।
नाकस्य पृष्ठे ते सुकृतेऽनुभूत्वा इमं लोकं होनतरं विशन्ति ।
Muṇḍaka, i. 2, 10.

[3] For an illustrative definition of इष्टापूर्त we quote *Yama*, i. 69–70.

वित्तापेक्षं भवेदिष्टं तडागं पूर्तमुच्यते ।
आरामश्च विशेषेण देवद्रोण्यस्तथैव च ।
वापीकूपतडागानि देवतायतनानिच ।
पतितान्युद्धरेद्यस्तु स पूर्तफलमश्नुते ॥

works ; for Chāṇakya notices the practice [1] and almost all the later Smṛitis like Laghuśaṃkha and others strongly recommend it.

Followed in practice

That these recommendations were followed by the people appears clearly from the numerous inscriptions in Western India. They could influence even a foreigner like Ushabhadāta as appears from the numerous benefactions of his recorded in Karli and Nasik caves.[2] The numerous halls, railings, rooms, water basins, etc., that are seen constructed at Karli, Nasik, Bhedsā, Bhājā and Badāmi prove that Buddhism was also exercising a similar influence, an influence which had permeated,—as the residence and professions of the various donors show,—the humblest classes in the most distant parts of the Deccan. It is but natural to presume that some at least of these devoted pilgrims must have done similar acts at their own villages,—an inference that is supported by local inquiry in many of the villages in Western India, which shows that temples and rest-houses in those villages were usually built by such religious-minded people. Even now this spirit is not dead; we may therefore well conclude that our communities must have been receiving substantial help in the past from private charity in the construction and repairs of the village public works.

Even in modern days

Public loans

Help from all these sources, however, was not always sufficient to meet the village needs. Central Government may refuse assistance, private charity may not be forthcoming ; the works necessary may be too costly to be defrayed out of the public subscription that was possible to collect. Repairs of the village wall, costs of occasional 'shibundee' or village defence against marauders, construction of a considerable embankment, could not always be financed by public subscriptions. In such cases, Elphinstone informs us,[3]

In Maratha period

[1] स्वाम्यभावे ग्रामाः पुण्यशीला वा प्रतिकुर्युः । iii. 10.

[2] भरुकच्छे दशपुरे गोवर्धने सोपारगे च चतुःशालावसथप्रतिश्रयप्रदेन आरामतडागउदपानकरेण..............एतासां नदीनां उभतोतीरं सभाप्रपाकरेण...... Nasik, No. 10; Karli, No. 19.

[3] *Elp.*, p. 20.

that the village communities in Western India were in the habit of raising the necessary sums by a public loan. The debt was gradually redeemed by an additional annual assessment and sometimes even by mortgages of village lands on the part of villagers. If the grant of land was small no rent was charged by Government; but if it was a large grant, the Government dues were paid by other ryots and the creditor still enjoyed the land rent-free. Such land grants were known as 'Gaum Nishut Inams.'

And the Hindu period

From the Chola epigraphs, it distinctly appears that this practice of raising loans for village public works was quite common in the extreme south during the tenth, eleventh and twelfth centuries.[1] Whether it existed in Western India in the pre-Maratha period we do not know. Our inscriptions are silent on the point and it is not quite safe as we have already observed, to apply *mutatis mutandis* the conclusions based upon the Chola records to the rest of India. But as the practice was well in vogue even in the unsettled Maratha and Mahomedan times, we may reasonably presume that the tradition was handed down to that age by the preceding one. Were it a novel experiment, it would not have succeeded; for, people are very chary of investing money in times of trouble and anarchy when the security offered is rather doubtful or novel. The custom then of raising such public loans must have existed in the Hindu period in our villages.

Conclusion

These then were the arrangements made by our village communities for satisfying public needs. Their essential feature was the co-operation of all villagers in the task of common interest. Even when the Central Government used to assist,—as was the case in Gujarat even under the Mahomedan rule,—it was for the purchase of acquiring land and materials; villagers themselves had to organize the necessary machinery and carry out the work.[2]

[1] Ukkal inscriptions, Nos. 3, 7, 9 and 10.
[2] *B.G.*, i. 1.

CHAPTER IX

EDUCATION, MEDICAL RELIEF AND SANITATION

Introduction

IN the last chapter we discussed the communal needs of the village life and the measures adopted to meet them. Education, sanitation and medical relief are in the present age regarded as general needs to be satisfied by the state ; but such was not the case in the past. We therefore did not consider the problems connected with them in the last chapter ; we shall deal with them in the present one.

A. EDUCATION

Education not regarded as a communal need

In the Hindu, Mahomedan and Maratha periods, the spread of literacy was not regarded as coming within the sphere of state activity. This need not surprise us, for even in Europe, the conditions were exactly similar down to the middle of the last century. The attitude of the masses too, towards the three R's was not much different from what it is even at present ; so the initiation of the village boys in the mystery of the three R's was not regarded as a communal necessity. Village education was therefore left entirely to private agency and enterprise.

Early pre-historic systems

As it would be a lengthy digression, we do not propose to enter into question of the evolution of educational institutes in India. Otherwise, we would have shown how in the earliest times education was a purely family concern, each father initiating his son in the Vedic study and the profession of his caste, how in course of time, owing to economic pressure and diversity of pursuits, this system gave way to another, under which children used to be sent to the teacher's house for a more or less permanent stay during the educational course, and how finally owing to the growing secularization of studies and allied causes, even this system was supplanted by the primitive prototype of the present one, under which a teacher maintained by the community teaches such of the boys as are sent to the school during the school period. Suffice it to say that this last system was already evolved as early as the Smṛiti period. It is true that the Smṛitis disapprove of the paid

teacher [1] but their disapproval itself is sufficient to show that he had already made his appearance in society even at that early date.

Teacher not a Balutedar

This paid teacher or भृतकाध्यापक as the Smṛitis call him has then been in existence since very early times in our communities. He was not a grain-sharer; for education of children in the three R's was not regarded as a communal necessity. He has therefore no definite place in the village economy like the smith or carpenter. Mr. John Matthai indeed maintains [2] that he has such a place, being paid by rent-free land or grain-share; this assertion, however, seems to be unfounded at least as far as our Presidency is concerned; for in Bombay he nowhere figures among the Balutedars or Watandars. The village in general did not require his services; certain sections of the community wanted him; and it was naturally deemed reasonable that they alone should be responsible for his pay and maintenance.

Why?

How was he paid?

Let us then see how he was maintained. In this respect no uniform practice seems to have existed in the pre-British days. In some extremely rare cases only he was assigned a grain share, and then he used to impart instructions gratis to all the village boys. But usually the schoolmaster received no such grain-share, nor did he obtain any regular pay; the parents of the children who received education at his hands used to pay him according to their means. In some villages again,— as appears from the Bombay Education Report, 1882–83—, the schoolmaster used to receive no monthly fees from his pupils but a fixed annual income from the villagers.

His other avocations

In addition to these more or less regular payments, the schoolmaster used to receive some gifts in kind or money on holidays (like the new year day, Dassara, etc.) and festivities (like the thread ceremony, marriage, etc.). This was by no means a negligible source of income. He was again the letter-writer of the village and was often employed in drawing up deeds, bonds and leases.

[1] Every Smṛiti excludes him from *Śrādha* ceremony, cf. Yājñavalkya, i. 223.
[2] *Vill. Govt.*, p. 39.

Sometimes he also possessed some elementary knowledge of medicine which again was of some help to him. These various sources of income along with what he received from his pupils were generally sufficient to give him a modest income.

Teacher of some kind or other in every Village

The professional teacher does not seem to have been a regular feature of our village communities. Only large villages seem to have engaged his services. But that does not mean that the children had no facilities for learning the three R's. The village Joshi or some member of his family would devote some time to the education of such of the village children as cared to receive it. Generally, only the boys of the Brāhmaṇas and well-to-do high class Marathas evinced a desire for learning the three R's; and the village Joshi could, with the monitorial system, well manage to impart that knowledge to them. The Joshi was, as we have seen, a Balutedar, but he used to receive occasionally some additional presents for his labours.

Revered by villages

The information so far given is largely based on local inquiry in some of the Deccan villages and on what the writer has learnt from his old grand uncle Mr. Moropant Kulkarni who is familiarly acquainted with the conditions as they were in the fifties of the last century. It would seem that some such system was in existence throughout the Maratha period. If there was no school, some well-to-do member of the Brāhmaṇa community or at least the Joshi would undertake the education of the few village boys who wished to receive it. The system was well suited to the needs of a time when literacy was not much valued. It was working satisfactorily in the Deccan at the beginning of the last century; for, it has received a glorious tribute from the Court of Directors. In their dispatch, dated June 3, 1814, they observe: 'This venerable and benevolent institution of the Hindus (viz., the village teacher) is represented to have withstood the shock of revolutions, and to its operation is ascribed the general intelligence of the natives as scribes and accountants. We are so strongly persuaded of its great utility that we are desirous that you should take early measures to inform yourselves of its present state, and that you will report to us the result of your inquiries, affording in the meanwhile such protection to the village teachers in all their just rights and immunities as may

Court of Directors' testimony

appear necessary . . . .; for, humble as their situation may appear, we understand that these village teachers are held in high veneration throughout India.'

From this unstinted tribute from an unexpected quarter, it will be clear that many villages had in pre-British days some arrangement for imparting primary education. The system was an unsuited one for an age like the present one and so it has naturally collapsed.

Hindu period

In the Hindu period, it appears probable that a similar system was in vogue, with this difference only that there were more well-to-do Brāhmaṇas to undertake the education work than there were in the subsequent days. The numerous grants to Brāhmaṇas, known technically as 'Brahmadeya' grants show how the bounty of the Hindu monarchs was always inclined towards the endowments of temples and learned Brāhmaṇas. These grants do not impose any direct obligation on the Brāhmaṇas to teach the village boys free; but people in olden days were more religious and devotional, more inclined to obey the Śāstric injunctions when there were no pressing considerations for acting otherwise. So we may well believe that though most of these grants are for बलिचरुनैवेद्यार्थम् i.e. for meeting the expenses of the livelihood and religious observations, the grantees must have, as a matter of course, discharged the Brahmin's duty of 'adhyāpana' or teaching in return for their being freed from the care of the daily bread.

Moslem Period

In the Mahomedan times, the conditions were altered to some extent. But luckily thatrule was not well-established for any considerable time in the greater part of Western India, so the effects of confiscation of the Brahmadeya grants were not much felt. It need hardly be mentioned that the Mahomedan rulers did not in the least trouble themselves about rural education. Their grants also had not the indirect effect of spreading general education; for, they were usually confined to mosques alone, and the Mulani there could usually attract only Mahomedan pupils.

Female Education

Such then is the history and nature of the arrangement made for primary education. It does not seem that girls were given any education in literacy in historic times in Western India. The correct

conclusion that is to be drawn from verses like वेविरसिण्णकरंगुलिपरिग्गहक्खसिअलेहणोमग्गे । सोत्थिव्विअ ण समप्पइ पियसहि लेहम्मि किं लिहिमो ।[1] or वाचाइ किं भणिज्जउ केत्तिअमेत्तं लिक्खए लेहे ।[2] which refer to girls knowing writing is that in high families, they were often literate; any other conclusion is bound to be fallacious. Literacy was not valued even in case of boys; the case of girls then was out of question altogether.

Facilities for higher education

Facilities for higher education at present exist only in towns and cities. Such was not the case in the past when celebrated seminaries and colleges were often located in villages. No survey of village education will therefore be adequate and complete without a reference to these village-colleges or rather college-villages. We shall proceed to inquire as to whether such institutions existed in Western India, and if so, what was their nature and how they were financed.

Existing in some villages

The existence of such village-colleges in Western India can be proved beyond all doubt. The Rāshṭrakūṭa and Yādava inscriptions give detailed accounts of three such institutions, one existing at Salgoti, a village near Indi in Bijapur District, another flourishing at Vaghli in Khandesh, and a third at Pāṭaṇa, now a deserted village near Chalisgaum. Before inquiring whether any more institutes of the type existed, let us first try to understand the nature of these colleges.

The college at Salgoti

The Salgoti inscription of Krishna III, dated 945, gives us a very valuable and detailed picture of the local institute and its management. The college was located in a magnificent building built by Nārāyaṇa,[3] a minister of Krishna III. Students from distant coun-

[1] *Saptaśatī*, iii. 44. [2] *Ibid.*, vii. 71.

[3] नारायणोऽभिधानेन नारायण इवापरः ।
प्रधानः कृष्णराजस्य मंत्री ससंधिविग्रहे ।
तेनेयं कारिता शाला श्रीविशाला मनोरमा ।
.. ..
शाला मनोवतो वैषा ब्रह्मयुक्ता विराजते ।

tries resorted to it [1] and twenty-seven hostels were necessary to accommodate them.[2] Boarding and lodging was free, 500 acres of land being endowed by the king for meeting those expenses.[3] The provision for the light charges of this big academy was made by another grant of 12 acres;[4] and the principal was assigned fifty acres by way of remuneration.[5] The inhabitants of the village too were not slow to appreciate the institution; the institute used to receive from them five coins at the time of each marriage, two and a half at the time of each thread ceremony and one and a quarter at the time of each tonsure.[6] Besides, whenever a feast was given in the village, the host used to entertain as many teachers and students as he could afford to entertain. The inscription, however, gives us no idea as to the course of education followed there; probably it was Vedic study, though other branches of knowledge also may have been included.

How managed and financed

[1] अत्र विद्यार्थिनः संति नानाजनपदोद्भवाः ।

[2] निवेशनानि साधीनि (?) सप्तविंशतिमादरात् ।

[3] एभ्यः प्रकल्पिता वृत्तिः एतदोयोधुनोच्यते ।

.. ..

शालाविद्यार्थिसंघाय दत्तवान्भूमिमुत्तमाम् ।
पाविट्टगे इति ख्याते ग्रामेऽस्मिन्षड्गुणाकरे ।
मान्यां निवर्तनानां तु पंचभिश्च शतैर्मिताम् ।

[4] निवर्तनानि दीपार्थं मान्यानि द्वादशैव च ॥

[5] व्याख्यातुश्चैव शालायां कल्पितानि महात्मना ।
निवर्तनानि पंचाशद्भूमेर्मान्यानि तानि च ॥

[6] पंच पुष्पाणि देयानि विवाहे सति तज्जनैः ।
देयं तथोपनयने विवाहे यत्पुरोदितम् ॥
तदर्धं चैतदर्धं च चूडाकर्मणि तज्जनैः ॥
केनचित्कारणेनेह कर्तव्ये विप्रभोजने ।
भोजयेत्तु यथाशक्ति परिषत्परिषज्जनम् । *E. I.*, iv, p. 60.

Astronomical college at Pāṭaṇa

The institute at Pāṭaṇa was also a similar big college founded by Changadeva, a grandson of the famous astronomer Bhāskarāchārya,[1] and for the study of astronomy in general and his grandsire's works in particular. This college also was liberally endowed and, what is more interesting to note is, that the villagers here also had voluntarily levied upon themselves several taxes for the upkeep of the institution. Farmers were contributing a certain amount of corn, oilmen, a certain amount of oil; purchasers used to pay a five per cent college tax and so on.[2]

The Vaghli college

Vaghli inscription of Seuṇachandra II dated A. D. 1069[3] reveals the existence of a similar institution at Vaghli. We find the king granting several lands tax-free for maintaining the students and one piece for supporting the teacher.

Were similar colleges existing at other villages?

Three villages at least in Western India were thus undoubtedly famous as important centres of learning during the tenth, eleventh and twelfth centuries. How many others possessed similar institutions we do not know; but we would be justified in inferring that they must have been fairly numerous. We have already shown how the grantees in Brahmadeya grants were usually accustomed to discharge their duty of teaching or 'adhyāpana'. Grants of whole villages or large parts of a village were made only to those Brāhmaṇas, who were well known for their wide learning and deep scholarship. We may therefore fairly conclude that each Brahmadeya or Agrahāra village must have as a rule maintained an institution for higher education. It is true that the plates themselves do not refer to any such institutions at the Agrahāra villages, but when we remember how the grantees of Brahmadeya grants were, down to the British period, always in the habit of giving free boarding, lodging and instructions in

[1] तस्मात्सुतः सिंहणचक्रवर्तो दैवज्ञवर्योऽजनि चंगदेवः । श्रीभास्कराचार्यनिबद्धशास्त्रविस्तारहेतोः कुरुते मठं यः । भास्कररचितग्रंथा व्याख्येया मन्मठे नियमात् ।

[2] इयां पाटणीं........ग्राहकापासौ दामाचा विसोवा........जेतौ घाणे वाहिंत तेलिया प्रति पलो पलो तेला । *E.I.*, i, p. 30.

[3] *E. I.*, ii, p. 228.

higher sciences to many students, we shall feel no hesitation in concluding that similar must have been the case in the Hindu period. The absence of any reference to the duty of giving free instructions to students in the higher branches of knowledge is probably due to the king's desire for making an unconditional grant. Why lose half the grace of the grant by laying down a condition in express terms, which it was pretty certain would not be violated in practice?

We have discussed above the arrangements for higher and primary education made in our village communities; let us now pass on to medical relief and sanitation.

B. Medical Relief

Every village does not possess now, and did not possess in the past, its own village physician. Owing to the absence of modern civilization and its artificial life and injurious effects, diseases were few. Elders again, both male and female, used to possess, until recently, a surprising amount of medical knowledge. Every person above forty used to know by experience how to treat himself and others in the cases of ordinary ailments and diseases.

Under such circumstances it was hardly possible for a physician to find in a single village the necessary amount of work sufficient to maintain himself. So usually a physician used to establish his headquarters at a convenient centre in a group of villages, and the villagers used to go out to consult him in cases of serious disorders. The knowledge of the physician was by no means that of a quack; the average villager is still unwilling to entrust his case to an English-educated doctor.

Such was, and still continues to be, the condition of our villages in Western India with regard to the medical relief. The conditions in the past too were not much different. Unfortunately evidence in this connection is sadly fragmentary; it is indeed unfair to expect votive inscriptions and literary plays of court poets to throw any light on the conditions of medical relief in village communities. In his rock inscription No. 2, Aśoka refers to his importing and planting medicinal herbs in those part of his wide dominions where they did not exist. But it does not seem that even in that age, each village possessed a doctor; for, Aśoka simply says that he took measures to increase the medicinal stores. The references to the physician in the *Arthasāstra*[1]

[1] Bk. IV, chap. 1; Bk. II, ch. 36.

seem to show that he usually existed in large villages. Hāla in one place compares the condition of a lovesick heroine, forsaken by her lover, to the condition of a critical patient in a village without a doctor.[1] This incidental reference clearly points out that the Deccan village under the Āndhras did not always possess a physician. Vishṇu's exhortation to a Snātaka that he should not live in a country, where there is no physician,[2] again signifies by implication that each village was not expected to have its own physician ; for, were such the case, he would not have advised the Snātaka not live in a village where there was no physician. If then such were the conditions in the first, sixth and nineteenth centuries, we may fairly conclude that they were not much different in the interval between A.D. 600 and A.D. 1800. There is no evidence for the intervening period ; still the inference seems to be well founded.

C. SANITATION

As regards the sanitary arrangements, the village does not seem to have changed much. Watchman was the village scavenger and when a carcass lying in the street was removed, he honestly thought that his duty was done. Regular cleansing of the village streets was unknown ; each house owner, however, was more particular in the past in keeping the street adjoining his house clean than he is at present. Otherwise things were much the same ; Śukra says that at the back of village houses there should be by-lanes and places for committing nuisances ; and his words still describe accurately the conditions in the modern village. Nor can we conclude that things were better under the Mauryas ; for the fines on persons committing nuisances on a road by throwing mud on it were imposed only in towns and cities. Villages were expressly excluded from their operation. Injunctions like the following 'सुरालये जले वाऽपि सकृद्विष्ठां करोति यः । गुदरोगो भवेत्तस्य पापरूपः सुदारुणः[3]। did not influence the villagers much ; for, strictly interpreted they do not exclude the use of village by-lanes for the purposes to which they are being put from times immemorial.

[1] मंदं पिण आणइ हलिअणन्दणो इह हि दुग्गम्मि ।
गहवइसुआ विवज्जइ अवेज्जए कस्स कहयामो । vi. 100.

[2] 81. 67.

[3] *Śātātapa*, iv. 16.

CHAPTER X

RECREATION AND AMUSEMENT

Introduction

So far, we had confined ourselves to the business-side of village-life. But life does not mean business alone. Were it so, it would have been too dreary. Recreations and amusements are necessary to relieve the monotony of daily pursuits. Our survey of village life would be altogether incomplete were we to leave out of consideration the question of recreation and amusement. We therefore propose to discuss it briefly in this chapter.

Village concerts

As early as the Maurya period, village concerts used to be arranged on occasions of holidays and festivities. Here too, as in other aspects of village life, the villagers were actuated by a spirit of brotherhood, co-operation and mutual assistance. Not to co-operate in and contribute for such public shows and dramas was regarded as a sin against society ; a person guilty of such conduct was treated as an outcaste. In the Maurya period he was not allowed to witness the show or performance ; and if he did so stealthily, he was fined twice the amount of the subscription otherwise due from him.[1]

In the Maurya period and subsequent ages

Such shows and dramas were quite common in the Maurya period. They are called 'Prekshā' by Chāṇakya and 'Samāja' by Aśoka. From Chullavagga v. 2. 6 and Aśoka's rock inscription, No. 4, it is evident that the Samāja consisted of dancing, singing and music, dramatic performances and acrobatic feats. The Samāja was quite common in Western India under the Āndhras. Nasik inscription No. 2, refers to Gotamiputra Sātakarṇi's

[1] प्रेक्षायामनंशदः सस्वजनो न प्रेक्षेत ।
प्रच्छन्नश्रवणेक्षणे च सर्वहिते च कर्मणि निग्रहेण द्विगणमंशं दद्यात् । *Arthaśastra*, ii, ch. 1.

practice of encouraging them;[1] a simile in the *Saptasatī*[2] makes it abundantly clear that the 'naṭi' was quite a familiar figure to the average villager in the Deccan. As regards the Chālukya, Rāshṭrakūṭa and Yādava periods, there is no historic or inscriptional evidence; but when we remember how these shows and dramas were quite common in villages even at a time when there was hardly any trace of the classical drama, we can well maintain that they could not have disappeared from the village life during the Augustan period of Sanskrit drama. The tradition was handed down unbroken down to a time well within living memory. Paurānic dramas performed by village amateur actors were quite common thirty years ago. And even now we find such plays occasionally performed in some villages in Western India.

Actors both amateurs and professionals

The actors in these concerts were either local amateurs or outside professional men. The fact that villagers used to co-operate in such undertakings clearly shows that usually the actors in the drama were drawn from local amateurs. Occasionally, however, professional singers, dancers and actors used to visit villages in olden days. Chāṇakya deplores that the visits of such professional persons should interfere with the agricultural affairs of the peasantry and he lays down that they should not be allowed to enter the village.[3] Imperial injunctions in such matters were probably honoured more in their breach than in their observance. The injunction however is valuable as showing that visits from professional men were quite common in the past. Nor has the practice died down even at present; for 'Bhavayyās' or popular actors still move about the Gujarat villages in the summer performing the popular Paurānic plays in the open spaces of villages where the villagers eagerly assemb‹e to witness and enjoy them.

[1] छणधनुसवसमाजकरस ।

[2] किं रुअसि ओअणमुहो धवलाअंतेसु सालिछेत्तेसु ।
हरिआलमंडिअमुहो णडिव्व सणवाडिआ जाआ ॥ i. 9.

[3] नटनर्तनगायनवादकवाग्जीवनकुशीलवा न कर्मविघ्नं कुर्युः निराश्रयत्वाद्ग्रामाणां क्षेत्राभिरतत्वाच्च पुरुषाणां कोशविष्टिधनधान्यसमृद्धिर्न भवति ।

The concerts of local amateurs were usually arranged on occasions of public holidays and festivities like Rāma Navamī, Gokula Ashtamī, Gaṇesha Chaturthī, Dasarā and Holikā. These festivities were more common in the past than they are now, for, some of them are no longer observed. Thus Kaumudī festival was undoubtedly observed as a gala day in the days of Chāṇakya and Śudraka,[1] but its name even is unknown now. Similarly there was an Indraprayāṇa festival at the celebration of which a holiday was prescribed for schools.[2] The Holikā too was celebrated on a more comprehensive scale than now. The entry of Rs. 8-8-0 for Shimga expenses in the accounts of Jategaon Budruk for 1791 shows clearly how the whole village celebrated it as a common festival and how part of the village fund was utilized for it. And no wonder, for the Holikā festival is a very old institution. From an incidental reference to it in the *Saptaśatī*,[3] it appears that the manner also in which the festival was celebrated was not much different from the present one.

Time of performance

Such then were the arrangements made at the time of holidays and festivities. Another source of recreation was the fair. Fairs were more numerous in the past; and they afforded opportunities for many sided amusements. There were dancers, singers, and actors; there were wrestling matches, bull-fights, cock-fights, ram-fights, there were acrobatic feats and humdrum performances; the market contained many rare articles which the villagers were anxious to purchase. Everybody therefore thronged to the fair; even people from adjoining villages used to visit them either for amusement or for business.

Fairs

In the Vedic times we have seen how the sabhā partook much of the character of a modern club. There was a convival gathering, there was gambling, there were talks on village matters. Such clubs were not unknown in later days.

[1] *Mudrārākshasa*, Act IV.

[2] इन्द्रप्रयाणं श्वस्तं सर्वसंपातनिस्वनम् । शंख iii. 9.

[3] फग्गुच्छणणिद्दोसं केण वि कद्दमपसाहणं दिण्णम् ।
थणअलसमहपलोट्टंतसेअधोअं किणो धअसि । iv. 69.

Vātsyāyana gives a detailed description of these merry gatherings,[1] (which were in his days called 'goshṭhīs') and what is more interesting in connection with our inquiry, exhorts the villagers to imitate them.[2] We do not know whether the club described by Vātsyāyana was ever a normal feature of the daily village life in Western India; the probability is that it was not such a feature. However it should be noted that its want was more than compensated by the daily evening gathering at the chāvdi or temple. At these evening gatherings there were no daily dances as Vātsyāyana would desire, but occasionally the village musician would come and sing to the merriment of the tired peasantry. There was also the pleasure of mutual conversation, narration of an interesting story by one villager, discussion of an important topic by another, revelation of an astounding piece of news by a third, all contributing to the mirth, recreation and amusement of the people assembled. The day's fatigue was forgotten and each went home refreshed and delighted.

Evening gatherings at the chāvdi

[1] *Kāmasūtra*, ch. iv, p. 47.

[2] ग्रामवासी च सजातान्विचक्षणान्कौतुहलिकान्प्रोत्साह्य नागरकजनस्य वृत्तं वर्णयन् श्रद्धां च जनयंस्तदेवानुकुर्वीत । गोष्ठीश्च प्रवर्तयेत् । संगत्या जनमनुरंजयेत् । ....

CHAPTER XI

RELIGION AND CHARITY

One more aspect of village life remains to be considered to make our picture complete and that is the religious aspect. We now propose to discuss it in this chapter.

The village temple

Hindus are still an essentially religious people, but the religion's hold on their minds was still firmer in the past. No village therefore could exist without at least one temple ; the first business of our colonizers in Western India must have been to erect a temple to the God most revered by the settlers. This god was the protecting guardian of the community and was called the grāmadevatā of the place. Every village has one such grāmadevatā as the proverb 'no God no village' implies.

Its inam

In most of the villages of Western India, the village temple is still endowed with a rent-free land to defray the expenses connected with its worship, upkeep and repair. This temple inam was left untouched even by British Government ; and no wonder ; for it is the most ancient of the various types of inams now existing. The temple inams were common in the Maratha period and the numerous temple grants of the Hindu period made by the monarchs of Valabhi, Gurjara, Chālukya, and Rāshṭrakūṭa dynasties show that the same was the case in the Hindu period. In most of the cases, however, the temple inams are as old as the communities themselves ; when the communities were founded in Western India, there was ample land for assignment and so, we may be sure, that every village temple was assigned some lands for its upkeep. The practice was prevalent in Northern India in the days of Chāṇakya, and we shall not be wrong in conjecturing its prevalence among the colonizers of Western India.

Temple centre of many activities

The temple was the centre of many village activities. It was there that the children of the villagers assembled morning and evening to learn the three R's. It was to the temple that the village litigants used to repair to get their quarrels settled by the Panchāyat. It was to the same place that the way-worn traveller, reaching the

village in the evening dusk, used to repair for his nocturnal sojourn. It was in the temple precincts that the villagers used to assemble in the evening for social talks and recreation. It was to the same holy place that, in case of an epidemic, the villagers used to repair, all in a body, to pray to the deity to graciously stop the common calamity. And it was the temple hall where the religious sermons were delivered on the days of religious sanctity and observances. Temple then has naturally been an indispensable feature of our village communities.

History of village worship

The history of the village worship and religion in Western India is a fascinating one. The Buddhistic wave in the Āndhra period, the Shaiva revival under Śankarāchārya, the progress of Jainism in Gujarat and Kathiawar under the late Chāḷukyas, the setback it received in the eouth at the rise and spread of the Lingāyat sect in the twelfth century, the ıise of the Pandharpur school, the superstitious and primitive notions borrowed from the Nāgas and Bhills, the resuscitation of Vaishnavism in Gujarat under Vallabhāchārya; all these were in their turn reflected in the village life, influencing the form of village worship and moulding the character of the village folk. Want of space however prevents us from undertaking such an inquiry; we are also doubtful whether it would not be too remotely related with the theme of the present book. Religion, whatever its form or name may be, first and foremost emphasizes charity, and we shall content ourselves with inquiring whether and how far charity was a prominent feature of village life.

Cannot be dealt with

Village charities

There is ample evidence to show that charitable activities were remarkable features of the village life in Western India. The reception of strangers and guests, the relief of the poor and the distressed were duties which every village was bound to discharge. *Arthaśāstra* says hat the headman or grāmādhyaksha should look after the needs of the guests and visitors. From the description of villages given by Bāṇa, [1] it is clear that the rest-house formed a regular feature of the village community in his times. A rest-house

[1] बहिरुपरचितविकटसभासन्त्रप्राग्वंशमंडपैः प्रसृतमिवग्रामैः । *Harshacharit*, p. 176; cf. also Watters: On Yuan Chuang, i, p. 343.

between every two villages was a common feature in the days of Śukra.[1] That the conditions described by these northern writers prevailed in the Deccan as well will appear from an incidental metaphor in one of the verses in *Saptaśati* where a thirsty traveller being served with water at the village rest-house is referred to.

How financed

As regards the expenses connected with the guest house and poor relief, it may be observed that some contribution was received from the village fund. My grand uncle states that in the pre-British and even in the early British days, 'Atitabhyagata' or reception of guests, 'Dharmādāya' or relief of the poor and 'Devasthāna' or temple expenses were invariably the first charges on the village revenues. Elphinstone also notes that the maintenance of the village temple, its fixed and authorized pension and annual charities, its alms to beggars and entertainments to guests were regarded as sālābāda or permanent charges on the village revenues. Among the items of village expenditure of Pimpal Saudagar and Jategaon Budruk (which are already quoted, see pp. 71, 72) charity figures prominently and takes the lion's share of the village fund. We may therefore well conclude that part of the village fund was always utilized for this purpose in Western India.

Contribution from village fund

And other sources

The contribution from the village fund was supplemented by grants from various other sources. The village temple with its inam land would contribute something; merchants would set apart part of their profits for this purpose; there were caste funds available for such needs. And lastly there were endowments both private and public, made specifically for the purpose of receiving and feeding guests and poor people. They were fairly common in the Hindu period and not unknown in the Maratha regime.[2] Such endowments could not be possible for every village; but their want was to some extent made up by the gifts of the charitably-disposed and well-to-do members of the community.[3]

[1] i. 538-46.

[2] *Vide* Nilgunda Inscription of Tilaip, II; *Ep. Ind.*, iv. 207; Kolhapur Inscription of Bhoja, II; *Ep. Ind.*, iii. 216; Vadagaum Maratha temple papers published by *B.I.S.M.*, etc.

[3] Peculiar sanctity attached to Brāhmaṇa bhojana and alms to the poor is still a dominant factor in Hindu life.

Modern times

This poor-relief fund made up by contributions from these various sources enabled the villages to discharge an eminently humane function which undoubtedly lent a charm to the village life. The weary traveller, the needy Brāhmaṇa, the holy pilgrim were sure to get a night's lodging and boarding at the place of their sojourn; the hosts too must have, after the day's labour, passed the time pleasantly, listening to the tales of distant lands and different peoples. What with the disallowance of the 'Atītābhyāgatā' charge by the British Government, and what with the spread of materialistic notions of the modern civilization, this feature has now passed away from the life of the village community and passed away for ever.

Conclusion. How the picture of our village life is complete

Our review of the village life and its history comes here to an end. Village life without a village settlement was impossible; so we first discussed the history of the various problems connected with the village site, pasture and arable lands. Then we took up the question of the village occupations and it enabled us to see what arrangements were made in our communities to meet the general individual needs of its members. Next we took up the question of general public needs and discussed the history of village public works. Then we turned to public but special needs and traced the history of education and medical relief. Having thus exhausted the every-day business needs of village life, we turned to its lighter aspects and discussed the question of amusement and recreation of our village folk. After considering the principal needs of the body as well as mind in the village life, we turned to the needs of the spirit and briefly discussed the question of religion and charity. The survey of the village life which was proposed to be taken in this part has thus become fairly complete, hardly any important aspect being left unconsidered.

CHAPTER XII

CONCLUSION

HAVING now traced and discussed the history of all the principal aspects and institutions of the village communities in Western India, our task has well nigh come to an end. Some general questions however still remain to be considered, which, owing to the method we had followed in the treatment of our theme, we had so long no opportunity to discuss in a connected manner. To a historian of the village communities in Western India, the reader may well ask : You dealt with Western Indian village communities ; but what are the distinguishing features that mark them out from the North or South Indian communities ? You narrated the history, but what are its lessons ? You discussed the past, but is it of any use in shaping the future ? These, we think, are legitimate expectations which a historian ought to satisfy ; so, hough we have already made scattered observations on all these topics, we shall discuss them in a connected manner by way of resumé in this concluding chapter.

A. PECULIARLY WESTERN FEATURES

Points of resemblance more numerous than those of difference. Why?

Let us first take the question of determining the peculiarly western features of our communities. At the outset it may be observed that even to-day, there is a remarkable uniformity to be observed in the realm of culture and civilization throughout the various provinces of India. This unity was even much more remarkable and all-sided in the past. Down to the period of Aśoka there was the unity of language ; the various provincial dialects in the Aśoka inscriptions vary but slightly from one another. There was also the unity of religion ; the various sects, whether Hindu or Buddhistic, embodying to a great extent the same central conceptions of spiritual life, had more points of agreement than those of difference. As regards social and political customs, manners and institutions, our village communities in the various provinces were, until the Mahomedan period, guided to a very great extent by the rules laid down in the Smṛitis. There is a remarkable uniformity and agreement

16

among the Smṛiti writers ; and we have found that the rules laid down in the Smṛitis were generally observed in the village communities all over India. We have pointed out many such instances. Thus we have shown how the intricate rules of legal procedure laid down by Śukra, Nārada and Brihaspati, who were all northerners, were faithfully observed even by the Western Indian village communities and even during the Mahomedan period (pp. 44–45, 48, etc.). We have shown how the Pūga court of the Northern Smritikāras was actually functioning in Mahārāshṭra down to the British period (p. 46). We have shown how the 'lekhaka' or village accountant, though referred to by a solitary Northern writer (namely Śukra) was a regular feature of Western Indian villages several centuries before that writer's time (p. 13). We have here referred to some typical instances, a careful reader can easily multiply them.[1]

Naturally, therefore, there are more points of resemblance than those of difference among the village communities of the various parts of India. Resemblance, however, should not blind us to the differences, for the latter do undoubtedly exist. Let us see what they are and also ascertain their causes.

Distinction between Northern and Western village communities.

Western Communities and Northern Communities.—Down to the Mahomedan period, there were hardly any points of difference ; but the varying fortunes of the communities under the Mahomedan rule subsequently changed the situation. Western India, Gujarat excepted, was never under the Moslem rule for a considerable time, and even during its existence, the Mahomedan rule was surprisingly transformed by the dominant Hindu influence.[2] The same was the case of the earlier Śaka invaders, most of whom and whose followers soon became followers of Buddhism or Hinduism. In Northern India, however, the case was different, the Moslem rule was firmly fixed there for six centuries. The village communities therefore were considerably affected by the new situation. (1) The old rayatwari system was replaced by the new Zemindari and Bhagdari systems that were introduced by the new masters. This change did not take place in Western India, except in certain parts of Gujarat and Kathiawar because the requisite Moslem

[1] *Vide* back especially to pp. 66, 99 102, for more instances in taxation, public loans, co-operation, etc

[2] Ranade, *Rise of the Maratha Power*, pp. 26–34.

influence was non-existent. (2) The Zemindars or the Bhagdars became the most influential members of the village communities. The headman's influence was affected and he became a mere petty officer. In the Western communities, on the other hand, the headman retains his influence even to the present day practically unabted. (3) Owing to the practical independence enjoyed by the Deccan and the Karnatak, the Panchāyats could rely upon the power of the state to execute their decrees; they were therefore down to the British days exercising their functions in full vigour. In the north as well as in Gujarat, however, this sanction being not always available, the Panchāyats soon lost much of their power.[1] (4) The dominant Mahomedan influence affected in the north even social manners of the villagers, the parda system was introduced among the Hindus; the language and dress were also changed. In our Western communities neither the parda system was introduced nor were any noticeable changes brought about in the dress and language of the people.

Between Western and Southern communities

Western and Southern Communities.—The differences that existed between the Western and Southern village communities did not arise owing to the different degree of the Mahomedan influence; they were due to the different traditions inherited by the two communities. (1) The village council was usually an informal body in the West, neither elected, nor functioning through standing sub-committees, nor meeting regularly. In the South it was a formal body, formally elected, meeting regularly, working through standing committees and discharging duties like banking, trusteeship, etc., which were never undertaken in the North or West by the village councils.[2] (2) Dravidians were converts to Hinduism and their zeal, in carrying out its orthodox behests was, as is usually the case with converts, far more intense than that of the Hindu Aryans themselves. Superstition and orthodoxy were therefore rampant in the South Indian village communities. Thus Brāhmaṇas alone were eligible for election to the council, nobody being allowed to stand as a candidate who could not teach Mantra Brāhmaṇa.[3] In Western India we have seen (*ante*, p. 23) how the

[1] Ranade, *Rise of the Maratha Power*, p. 22. [2] *Vide*, pp. 27-30.

[3] Uttarmallur inscription, quoted at p. 170 of *Corporate Life in Ancient India.*

gota' or the Panchāyat council consisted not only of non-Brahmins but also of the untouchables. (3) Similarly in our Western communities, though the mahar, mang and shoemaker were regarded as untouchable, still they were not prohibited from using public roads. Even this was not permitted in the South. (4) The Marathas were a sturdy race, loving independence and fighting for it; so their institutions did not suffer from the tyranny of their own rulers. Such was not the case with the Southern communities. Mr. Aiyengar observes: 'Under the kings of the last Vijayanagar dynasty, as well as during the rule of the kings of the Bahamani line, the political and social institutions together with their official machinery in Southern India, which had been in existence from the earliest times had been shaken to the root and branch . . . Sometimes they were destroyed without proper substitutes in their places. . . . The weak imbecile monarchs in whose hands the ancient kingdoms of Chera, Pandya, Chola and Pallava fell, parcelled out dominions into portions and entrusted them to petty viceroys and chieftains . . . as their fancies and whims dictated, who in their turn created a number of principalities which they gave away to their subordinates in return for military service. These changes appear to have happened during the sixteenth and seventeenth centuries. It was during this period that the old systems vanished or lost most of their glory'.[1] Village communities in the Deccan never tolerated and therefore never suffered from any such tyranny from native rulers. The village headman could practically dictate his own terms to the Mamlatdar who used to come for settling the year's revenue.[2]

B. TEACHINGS OF HISTORY

Having discussed and stated the peculiarly Western features, we proceed to consider the lessons of the history we have so far narrated.

Village communities not unchanging

(1) Our history shows that the observations made by early writers like Metcalfe and Maine about Indian village communities being unchanging have to be accepted with great reservations. (*a*) The differences between the Western and Northern communities that were pointed out in the last section were all

[1] *Historic Sketches of the Ancient Deccan*, pp. 313–14
[2] Elph., p. 27.

due to the fact that the communities in the North had changed owing to the factors that were not operating in Western India. (*b*) Since the days of Elphinstone and Metcalfe, we have actually noticed before our very eyes how most of the village institutions that excited their admiration have gone into oblivion. So the myth of these communities remaining unchanged must be given up. (*c*) Nor can it be maintained that leaving apart from consideration the changes introduced by the Moslem and British influences, there were no changes taking place in the Hindu period. For, we have seen how the influence of the Vedic sabhā dwindled down in the Brāhmaṇic age, how under the Maurya Imperialism, the jurisdiction of the local council and Panchāyat was considerably curtailed, how 'lekhaka' or the accountant did not exist in earlier times but came into existence subsequently, how the regular council of elders was not in existence down to the Valabhi period and so on. To conclude, history shows us that both internal and external forces have been working out changes in our village communities. The Mahomedan influence was not powerful enough, so the institutions continued to exist but their growth was arrested and efficiency weakened (see *ante*, p. 29); the British influence, dominant and all-sided, has all but killed most of the village institutions. The headman has lost his importance, the accountant has ceased to be hereditary, the village council no longer exists, the Panchayat is never heard of, the village fund has also vanished. Village life to a great extent remains the same, people still till their lands and sow their crops in the old manner; but even here changes are coming and coming fast enough. The theory therefore that the Indian village communities do not change is completely disproved by the teachings of history. Metcalfe had based it on an imperfect knowledge of the present and the past; had he, for example, known that 25 per cent. of the village settlements in the Deccan are deserted places, he would never have said that 'even though a country remained for a series of years the scene of continued pillage and massacre, the scattered villagers would nevertheless return when the power of peaceful possession revived.'

Communities not republics

(2) Similarly our history shows us that our village communities were never in historic times republics as Metcalfe had thought. In the Vedic times it appears probable enough that each village

communitiy was an independent republic, but throughout the historic period, the community was always subordinate to and a constituent of larger political units. In the Jātaka period, we have seen how the taxes and serious criminals were sent to the Central Government; the Maurya period need not be even considered; for, it was an age of imperialism *par excellence*; but even under the Valabhi, Chālukya, Rāshṭrakūṭa and Yādava kings, the village was a regular unit of the state and no republic. The fixed order of officials invariably mentioned in the grants shows that there was a real control from the Central Government. Were the villages republics, the grants would have been addressed only to the Grāmakūṭas; they mention the Rāshṭrakūṭas and Vishayapatis obviously because these district and divisional officers were exercising a general supervision and control over the village administration. The Smṛitis also mention how the headman was to report serious cases to the officer over ten villages, the latter to the officer over twenty villages and so on,[1] and *Śukranīti* enjoins the king to inspect his villages:

'The king should personally inspect every year the villages, towns and provinces and must know which subjects have been pleased and which oppressed by the staff officers and deliberate upon matters brought forward by the people. He should take the side not of his officers but of his subjects.' (i. 751. 52.)

We have also shown how the amount of the land revenue varied with the needs or whims of the Central Government. The defence arrangements of the community were supplemented by the police and military departments of the Central Government. The same was the case with regard to the public works where help from the Central Government in one form or another was often forthcoming. To call the village communities then as small independent republics, is hardly what the facts would justify.

Communities not democratic, but self-governing

(3) The word republics again is very unfortunate; it conveys the notions of democracy, of equal rights, of general election and so on. Nothing of the kind took place in our village communities. There was no idea of equality; the elders and the worthy were instinctively obeyed and respected; they owed their power to no election but to their intrinsic worth and influence. Metcalfe and others however could be excused in

[1] Manu vii, 115.

giving the appellation 'republic'; they found that an amount of local self-government undreamt of in Western countries was being enjoyed by the Indian village communities; so they naturally thought of designating them as republics. But we in modern days should never forget that democratic notions were never prevalent in our village communities, it will therefore naturally take considerable time for our modern village communities to adjust themselves to a machinery like that contemplated by the Bombay Village Panchāyat Act, 1920.

Not used to formalism

(4) Our village communities were managing most of their affairs, but they were managing them in a most informal manner. Strict formalism they had no notion of,—a fact which modern legislators should never forget.

(5) The most important lesson, however, which the history of the past has to teach is in connection with the possibility of the future revival of the old village institutions. We shall deal with this topic in the next and last section of this chapter.

C. Future Revival

Revival of the village council is the main question

It must have been clear to our readers that it is not possible to revive all the aspects and institutions of the old village life. The world is growing more materialistic day by day and even India is no exception; so, that simplicity, truthfulness, sincerity and religiousness which, we have seen, were characteristic of our old village folk and lent a peculiar charm to their life have now disappeared and disappeared for ever. Government have abolished the Kulkarni Watan and it seems that it would not be easy to revive it. Similarly the principle of communal liability for village thefts can no longer be enforced in the modern days of growing dishonesty, refined roguery and quick transit. The question of revival therefore centres round the question of the revival of the old village council in a modern form and the possibility of all the old functions being entrusted to it to the same extent as before.

Why have all attempts failed?

This problem of reviving the old council has been before the Government and the people for the last fifty years. Government have been issuing resolutions after resolutions, people have been framing schemes after schemes, and yet no revival seems to be in sight.

At its first session, the Reformed Bombay Legislative Council passed the Village Panchāyat Act, 1920, with a view to revive the old village councils all over the presidency. The Act is a nice measure and contemplates the delegation of many of the powers of municipal Government including the power of taxation, and yet it has evoked no response. Nay, on August 6, 1923, the minister concerned stated in the council in reply to a question that villagers in many places were opposing the institution of the Panchāyat on the ground that it will involve additional taxation. If the villagers themselves are thus opposed to the revival of the old institutions, are we to conclude that there is no possibility of the resuscitation of the glorious past?

Revival not impossible

In our opinion the task of revival is not a hopeless one; it is however very difficult; the efforts made so far have failed because they were not made on the proper lines. The old village councils were not superimpositions from without; they were natural outcomes of the forces working within and the conditions obtaining in the old village communities; they were therefore naturally successful. If we try to understand the secret of this success, the problem of the future revival will solve itself.

Secret of the success in the past

The villagers in the past regarded them. elves as members of a big family. In a family the misfortunes of any one member are the misfortunes of all; and similar was the case with our communities. If a person suffered from theft, the rest of the community would ultimately make up the loss if the stolen goods could not be recovered: if a Balutedar could not get sufficient grain, the community would not leave him to starve; it would sanction a suitable grant from the village funds.[1] The Balute system embodies this conception of the village being a big family; in a joint Hindu family, every member works for the family and the family provides for him; similarly in the old village community, the carpenter, the smith, the shoemaker existed for the village and the village in turn provided for them.

(i) Family feeling

(ii) Harmony

This subconscious feeling of all being the members of a big family had naturally produced a sense of harmony and good will among the villagers. Factions

[1] *Land and Labour in a Deccan Village*, vol. i, p. 42 (Pimpal Saudagar.)

and feuds were few and far between. The sense of family brotherhood, the dread of being exposed and punished by the local Panchāyat as a mischief-monger, the absence of economic jealousies and rivalries had all combined in producing a remarkable atmosphere of mutual harmony, regard, and goodwill and thus prepared the ground for the successful working of the Panchāyats. We have already shown in Chapter VIII how the practice of mutual co-operation for works of public utility was well grounded in our communities; and no wonder. For, just as members of a joint Hindu family, living harmoniously, willingly and voluntarily co-operate in the management of the family concerns, so also would villagers co-operate in the execution of the public works necessary for the community. The prevailing harmony in society facilitated the work of co-operation to a very remarkable extent.

(iii) Co-operative spirit

This public spirit and habit of co-operation was further fostered by the policy of the Central Government. It allowed greatest possible scope for Local Self-Government. Decentralization was carried to the extreme limits. There was no Local Board or Public Works Department; the villagers, therefore, had either to sink the village well themselves or to goon without one. There was no Education Department; the villagers had either to manage a school themselves or to go on without one. Kings would refuse to settle civil disputes through their officers; villagers, therefore, had to make their own arrangement for settling them. Owing to this policy of the Central Government, the villagers had to evolve some machinery for the discharge of these communal duties. All will no doubt co-operate in the works of public utility; but still there must be some persons to organize, supervise, guide and control. And to whom else should the villagers turn for the discharge of this onerous and thankless duty if not to the village elders, who on account of their age, experience, influence, work, and sagacity naturally appeared as the best fitted for the task? There was no question of election; (even at Uttarmallur, it should be remembered the various sub-committees were selected by lot and not elected) the elders were the most competent to do the duty and nobody dreamt of questioning their power. To revert once more to our

(iv) Government willing to delegate powers

Why elders were vested with power without election

17

old simile, in a joint Hindu family, the authority of the elders is unquestioned, they are instinctively revered and obeyed; similar was the case of the village elders. They, therefore, came to be entrusted with the powers with which the community was endowed; and thus had arisen the village council It was a natural outcome of the various forces working within the community. It was the direct result of the decentralization policy of the Central Government. It worked successfully because there was harmony, good will, public spirit, and the habit of co-operation.

Future revival: its conditions enumerated

The general causes that led to the decay of the old village institutions have been already indicated, they need not be discussed again; — we shall now give a general idea of the lines on which efforts ought to be made to revive the old village council.

Sense of civic responsibility

(i) In the modern age of individualism and sectarianism, the revival of the old family feeling that existed among the villagers is almost impossible. A strenuous effort, however, must be made to inculcate in its stead the sense of civic responsibility. This sense can permeate the masses only if they are educated on the proper lines. Education must instil the sense of local patriotism and public duty among the villagers. No village council can succeed without either the old notion of family feeling or the modern conception of civic responsibility. Niether does at present exist in the villagers' mind and so the efforts to revive the village council are not succeeding.

Spirit of co-operation

(ii) The spirit of co-operation ought to be fostered. In the olden days villagers would willingly co-operate, as we have shown already, in works of public utility. They have lost this habit,—we need not stop to inquire why; and it must be revived. A village council can hardly achieve anything without the co-operation and assistance of the villagers.

Harmony

(iii) Co-operation is hardly possible without an atmosphere of harmony and goodwill. This atmosphere has become conspicuous by its absence in the modern times. Most of the villages are at present torn by factions and feuds. There are mutual jealousies, rivalries, quarrels and intrigues. The present writer believes that they

are principally due to the new awakening of the consciousness of the rights of the individual unaccompanied by the consciousness of the duties of the individual. If the latter consciousness is awakened and strengthened, many of the feuds will disappear and co-operation will be facilitated.

Government's encouragement

(iv) Internal revival and reformation, however, are not sufficient. Government must evince a genuine desire to delegate its powers to the local bodies. In the old days, we have seen, how the policy of Government practically compelled the village communities to have their own Panchāyats. Government must strive hard to make the Panchāyats popular. This they are not doing. The Hon. Minister for Local Self-Government stated in the August 1923 session of the Bombay Council that the Panchayat Act of 1920 was not popular, but admitted that the Government had done nothing to make it popular. This attitude of indifference must be replaced by a genuine desire to make the Panchāyats popular among the villagers.

Formalism should be relaxed

(v) The villagers are perfect strangers to formalism. Government, must therefore, make the working rules of the village councils considerably elastic. Similarly they are unacquainted with the modern democratic machinery. So efforts must be made to popularize it among them.

Drain on the village-ability must be stopped

(vi) Institutions are much, but they are not all; they can succeed only if there are competent men to conduct them. So it is not enough to constitute a village council; care must be taken to see that there are competent men to work on it in villages. As it is, the village is being drained of its best elements. If there is a clever carpenter, he immediately migrates to a town; if there is a brilliant boy, he goes out for education and in nine cases out of ten, he will not return to reside in his native place. There was no such drain in the past. Villages possessed competent persons to discharge civic duties. Such is no longer the case. The average level of the village ability and intelligence has considerably gone down. This process must be stopped and that can be done only by making villages economically more self-reliant. As far as possible, suitable opportunities must be offered in the village itself for the utilization of its best brains, talents and ability. This can, to a certain extent, be done

by reforming agriculture on the American lines and by establishing cottage industries on the lines indicated by the Industrial Commission. If no efforts on these lines are made, it would become growingly more and more difficult to find suitable men to work on the village council.

(vii) As regards the stumbling block of additional taxation, which is naturally frightening the villagers, some measures must be adopted to get over the difficulty. In the olden days, we have seen, the Government used to impose additional taxes for local purposes; but they were all spent locally in the village itself. There is no reason why the local fund of each village should not be similarly set apart for purely local needs. That would supply the village Panchāyats with the necessary funds without the necessity of imposing any additional taxes. They will then welcome the new Act. They are at present heavily taxed and naturally they do not like the prospect of paying anything more, even though that may be for their own benefit. If however Government is unable to 'localize' the whole of the village local fund, it should at least give back a part of it to each village and call upon it to make up the deficiency. This deficiency, however, should be made up by a tax either in money or in labour. The villagers may have no money to spare for new taxes, but certainly they have ample time to spare for doing works of public utility. They lead practically an idle life for two months after the harvest in March; they should therefore be compelled, either to pay so much contribution to the village fund, or to do so many days' labour for the village works. We have already shown how this corvée was quite common in the past and there is no reason why it should not be revived in future in the case of those who cannot give the contribution in money. It is therefore possible to start village Panchayats without the necessity of any additional taxation if Government consent to grant to every village 50 per cent of its Local Fund and the people agree to make up the deficiency by a contribution either in money or in labour.

Additional taxation no stumbling block, for it can be avoided

By a grant from the local fund

And taxation in labour

It will not be difficult to delegate judicial powers to such a revived council. Modern law being complicate, only simple cases of facts can be in the beginning entrusted to the villagers;

care also will have to be taken to see that the even course of justice is not deflected by factious quarrels. But under the reformed conditions of the village life above outlined, miscarriages of justice will be few; and the village Panchāyats will soon begin to function in their pristine glory if they are once set on the proper road.

Conclusion

If sincere efforts are made on the above lines the revival of the village life and village council will not be difficult. Strenuous exertions are necessary both on the part of the Government and of the people. Will they throw off their lethargy? Will they strive to reform and regenerate village life? Will they realize that the real life of a nation throbs in its villages and try their utmost to elevate and ennoble it?

APPENDIX

DRAVIDIAN CIVILIZATION AND VILLAGE COMMUNITIES

We had summarily rejected the view in our Introduction that the 'dāsas' who opposed the Vedic Aryans in India were Dravidians, on the ground that the Dravidians being a highly civilized race, the description in the Veda of the Dāsas would hardly suit them (p. xiii). We shall very briefly set forth the reasons for this assumption made in the Introduction.

Havell indeed observes[1] that the Dravidians were mere hunters or nomads, but this view is hardly tenable. There is clear historic evidence to prove that almost all the foreign maritime trade of India in pre-historic times was monopolized by them.[2] Hebrew names of the two principal imported commodities, apes and peacocks, are obvious derivation from Tamil 'kavi' and 'thokai' and there exists a close similarity between the Greek words for rice (oryza), ginger (zinziber) and cinnamon (karpion) and the corresponding Malayalam words 'arisi,' 'inchiver' and 'karuppa.' The commercial intercourse between the Dravidians and Egyptians was so close that the Tamil language could be easily understood on the Egyptian stage.[3] All these facts make it quite clear that the Dravidians and not Aryans were the persons who were carrying on India's maritime trade in the pre-historic times.

Scholars differ, as usual, in determining the antiquity of this trade. Dr. Sayce, the famous Assyriologist, maintains that it was as old as 3000 B.C. when Ur Bagas the first king of United Babylonia ruled in Ur of the Chaldees.[4] Hewitt concurs with this view. But J. Kennedy, Rhys-Davids and Bhüler can only state that the trade was much earlier than the eighth century B.C., earlier by how many centuries they cannot concur in determining. We shall however be not far wrong in following the policy of the golden mean and holding that the trade must be at least as old as 2000 B.C. And this makes it almost coeval with the Vedic age, from which it follows that the Dravidian civilization is as old as the Aryan one. A people who could

[1] *H. A. R.*, p. 12.
[2] Rhys-Davids, *Buddhistic India*, p. 116.
[3] *Carmichael Lectures*, 1918, p. 36.
J. R. A. S., 1888, p. 337ff.

monopolize all the rich maritime commerce of India with Persia, Assyria, Egypt, Greece and Rome, a commerce which was draining the wealth of these countries to such an extent as to alarm their inhabitants, could not have been mere hunters or nomads as Havell believes. They must have been highly civilized and could not have been the prototypes of the Dāsas described in the Vedic literature. The precise nature of this civilization, there are no means to ascertain. Thomas Foulkes delineates its picture [1] but it is based practically on Aryan sources. The fact is that though the Aryanization of the south has left the language and racial characteristics unaffected, still the Aryan ideas have so thoroughly permeated the society that there remains nothing even in the South Indian legends and literature which can be definitely referred to the pre-Aryan period. Nay, even the earliest dynasties, of which we have any record, trace their origin to the heroes of the Mahābhārata.

Such being the case we have no means whatever to ascertain the nature of the pure Dravidian village community as it existed in the pre-Aryan days. The high Dravidian civilization renders the existence of village communities as organized and developed units of society an indisputable fact, but what were their peculiar and salient features we do not know. The Rayatwari system and the grain share system are usually regarded by scholars as the peculiar Dravidian features, but we have already shown how this view is altogether untenable.[2]

It will be now understood why we did not discuss the result of the contact of the Aryan and Dravidian village communities in pre-historic times. There was no evidence whatever to form any idea about the purely Dravidian village community and its institutions. Scholars, like Havell and Baden-Powell, who have written about the purely Dravidian type of the village community in pre-historic times can be shown to have made statements that have no foundation and that can be easily refuted. It was possible to institute a comparison between the Dravidian and Aryan village communities only with regard to their features in historic times, and this we have done.[3]

ओं तत्सत् ब्रह्मार्पणमस्तु ।

[1] *Ind. Ant.*, viii, p. 1. [2] *ante*, pp. 85, 91. [3] *ante*, pp. 29-30.

BIBLIOGRAPHY

Books on Village Communities

Village Communities East and West. By Sir Henry Maine.

Village Communities in India. By B. H. Baden-Powell.

Indian Village Communities. By B. H. Baden-Powell.

Indian Village Folk. By F. W. Pandian.

Village Government in British India. By John Matthai.

Land and Labour in a Deccan Village. Vols. I and II. By H. Mann.

Land Systems of British India. By B. H. Baden-Powell.

Books on Indian Polity

Political Institutions and Theories of the Hindus. By B. K. Sarkar.

Aspects of Ancient Indian Polity. By Narendranath Law.

Local Government in Ancient India. By Radhakumud Mookerji.

Corporate Life in Ancient India. By R. C. Majumdar.

Arthaśāstra of Chāṇakya. Mysore edition.

Arthaśāstra of Bṛihaspati.

Kāmandakīya Nītisāra.

Śukranīti.

The Mogul Administration. By J. N. Sarkar.

Various Government Resolutions and Acts regarding the Village Panchāyats.

Historical Books

Administrative System of the Marathas. By S. N. Sen.

Report on the Territories conquered from the Peshwas. By Mountstuart Elphinstone.

Aryan Rule in India. By E. B. Havell.

Cambridge History of India. Edited by E. J. Rapson.

Carmichael Lectures, 1918 and 1919. By D. R. Bhandarkar.

Early History of India. By Vincent A. Smith.

History of Mediaeval Hindu India. By C. V. Vaidya.

Studies in Mogul India. By J. N. Sarkar.
History of Aurangzeb. By J. N. Sarkar.
Shivaji. By J. N. Sarkar.
Historical Sketches of the Ancient Deccan. By S. Subrahmanya Aiyangar.
Town Planning in Ancient India. By C. P. Aiyyar.
Beginnings of South Indian History. By S. Krishnaswami Aiyangar.
Kshatriya Clans in Buddhist India. By V. C. Law.
Buddhist India. By T. W. Rhys Davids.
Early History of the Deccan. By R. G. Bhandarkar.
Early History of Gujarat. By Bhagwanlal Indraji.
Ancient History of the Deccan. By J. Dubreuil.
A History of the Mahrattas. By J. C. Grant Duff. Edited by S. M. Edwardes. 2 vols.
Sources of Vijayanagar History. By S. Krishnaswami Aiyangar.
A History of Indian Shipping and Maritime Activity. By Radhakumud Mookerji.
Ancient Indian Historical Tradition. By F. E. Pargiter.
History of the Maratha People. By C. A. Kincaid and D. B. Parasnis. 3 vols.
A Forgotten Empire. By R. Sewell.
Statistical Account of Kolhapur. By D. C. Graham.
Mysore and Coorg from Inscriptions. By Lewis Rice.
Rise of the Maratha Power. By Justice M. G. Ranade.
Buddhist Records of the Western World. By S. Beal. 2 vols.
Jātakas. 7 vols.
Mahāparinibbāṇasutta.
Marco Polo's Travels. Edited by T. Wright.

GAZETTEERS

Bombay Gazetteers: all volumes; some volumes from the *Madras*, *Punjab*, *U. P.*, *C. P.* and *Bengal Gazetteers*; some volumes *Aurangabad Gazetteer*; *Indian Gazetteers.*

SMṚITIS

Manu, Yāñjavalkya, Vishṇu, Nārada, Bṛihaspati, Śātātapa Smṛitis.
Baudhāyana, Gautama and Vasishṭha Dharmasūtras.
Vyavahāra Mayṇkha.

Marathi Books

The Time of the Settlement in Mahārāshtra. By V. K. Rajwade.

Rādhāmādhavavilāsachampū. Edited by V. K. Rajwade.

Nivādāpatrc. By D. B. Parasnis.

Mahomedan Risayat. By G. S. Sardesai.

Marathi Risayat. By G. S. Sardesai.

The volumes published by the Bhārata Itihāsa Samshodhaka Maṇḍal.

Aitihāsika Lekhasamgraha. By V. K. Rajwade.

Inscriptions

Inscriptions of Aśoka, of the Kshatrapas, Āndhras, Chālukyas, Valabhis, Rāshṭrakūṭas, Gurjaras, Śilāharas, and Yādavas. Kolhapur Inscriptions.

Madras Epigraphic Reports.

Journals, etc.

Indian Antiquary, *Epigraphica Indica*, etc.

Journals of the Royal Asiatic Society and the Bombay Branch of the Royal Asiatic Society.

Miscellaneous

Saptaśatī of Hāla.

Kāmasūtras of Vatsyayana.

INDEX